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THE
HISTORY OF SCOTLAND.

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HISTORY OF SCOTLAND

DURING THE REIGNS OF
QUEEN MARY, AND OF KING JAMES VI.

TILL HIS ACCESSION TO THE CROWN OF ENGLAND.

WITH

A Review of the Scottish History

PREVIOUS TO THAT PERIOD :

AND

AN APPENDIX, CONTAINING ORIGINAL PAPERS.

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THE
HISTORY OF SCOTLAND.

BOOK IV.

1566.

As the day appointed for the meeting of parliament approached, Mary and her ministers were employed in deliberating concerning the course which it was most proper to hold with regard to the exiled nobles. Many motives prompted her to set no bounds to the rigour of justice. The malecontents had laboured to defeat a scheme, which her interest conspired with her passions in rendering dear to her; they were the leaders of a party whose friendship she had been obliged to court, while she held their principles in abhorrence; and they were firmly attached to a rival, whom she had good reason both to fear and to hate.

But, on the other hand, several weighty considerations might be urged. The noblemen whose fate was in suspense were among the most powerful subjects in the kingdom; their wealth great, their connexions extensive, and their adherents numerous. They were now at her mercy, the objects of compassion, and suing for pardon with the most humble submission.

In those circumstances, an act of clemency would exalt the queen's character, and appear no less

splendid among foreigners, than acceptable to her own subjects. Mary herself, though highly incensed, was not inexorable; but the king's rage was implacable and unrelenting. They were solicited in behalf of the fugitives from various quarters. Morton, Ruthven, Maitland, and all who had been members of the Congregation, were not forgetful of their ancient union with Murray and his fellow-sufferers; nor neglectful of their safety, which they deemed of great importance to the kingdom. Melvil, who at that time possessed the queen's confidence, seconded their solicitations. And Murray, having stooped so low as to court Rizio, that favourite, who was desirous of securing his protection against the king, whose displeasure he had lately incurred, seconded the intercessions of his other friends with the whole of his influence¹. The interposition of Sir Nicholas Throgmorton, who had lately been Elizabeth's ambassador in Scotland, in behalf of the exiles, was of more weight than all these, and attended with more success. Throgmorton, out of enmity to Cecil, had embarked deeply in all the intrigues which were carried on at the English court, in order to undermine the power and credit of that minister. He espoused, for this reason, the cause of the Scottish Queen, towards whose title and pretensions the other was known to bear little favour; and ventured, in the present critical juncture, to write a letter to Mary, containing the most salutary advices with regard to her conduct. He recommended the pardoning of the Earl of Murray and his associates, as a measure no less prudent than popular. "An action of this nature," says he, "the pure effect of Your Majesty's generosity, will spread the fame of your lenity and moderation, and engage the English to look towards your accession to the throne, not only without prejudice, but with desire. By the same means, a

¹ Melv. 125.

perfect harmony will be restored among your own subjects, who, if any rupture should happen with England, will serve you with that grateful zeal which your clemency cannot fail of inspiring².”

These prudent remonstrances of Throgmorton, to which his reputation for wisdom and known attachment to the Queen added great authority, made a deep impression on her spirit. Her courtiers cultivated this happy disposition, and prevailed on her, notwithstanding the King's inflexible temper, to sacrifice her own private resentment to the intercession of her subjects and the wishes of her friends³. With this view the parliament, which had been called to meet on the 4th of February, was prorogued to the 7th of April⁴; and in the mean time she was busy in considering the manner and form in which she should extend her favour to the lords who were under disgrace.

Though Mary discovered on this occasion a mind naturally prone to humanity and capable of forgiving, she wanted firmness, however, to resist the influence which was fatally employed to disappoint the effects of this amiable disposition. About this time, and at no great distance from each other, two envoys arrived from the French King. The former was intrusted with matters of mere ceremony alone; he congratulated the Queen on her marriage, and invested the King with the ensigns of the order of St. Michael. The instructions of the latter related to matters of more importance, and produced greater effects⁵.

An interview between Charles IX. and his sister the Queen of Spain had been often proposed; and after many obstacles arising from the opposition of political interest, was at last appointed at Bayonne. Catharine of Medicis accompanied her son; the

² Melv. 119.

³ Ibid. 125.

⁴ Good. vol. i. 221.

⁵ Keith, 325, Append. 167.

Duke of Alva attended his mistress. Amidst the scenes of public pomp and pleasure, which seemed to be the sole occupation of both courts, a scheme was formed, and measures concerted, for exterminating the Hugonots in France, the Protestants in the Low Countries, and for suppressing the Reformation throughout all Europe⁶. The active policy of Pope Pius IV., and the zeal of the Cardinal of Lorrain, confirmed and encouraged dispositions so suitable to the genius of the Romish religion, and so beneficial to their own order.

It was an account of this holy league which the second French envoy brought to Mary, conjuring her at the same time, in the name of the King of France and the Cardinal of Lorrain, not to restore the leaders of the Protestants in her kingdom to power and favour, at the very time when the Catholic Princes were combined to destroy that sect in all the countries of Europe⁷.

Popery is a species of false religion, remarkable for the strong possession it takes of the heart. Contrived by men of deep insight in the human character, and improved by the experience and observation of many successive ages, it arrived at last to a degree of perfection which no former system of superstition had ever attained. There is no power in the understanding, and no passion in the heart, to which it does not present objects adapted to rouse and to interest them. Neither the love of pleasure which at that time prevailed in the court of France, nor the pursuits of ambition which occupied the court of Spain, had secured them from the dominion of bigotry. Laymen and courtiers were agitated with that furious and unmerciful zeal which is commonly considered as peculiar to ecclesiastics; and Kings and ministers thought themselves bound in conscience to extirpate the Protestant doctrine. Mary

⁶ Thuan. lib. 37.

⁷ Melv. 126.

herself was deeply tinctured with all the prejudices of popery; a passionate attachment to that superstition is visible in every part of her character, and runs through all the scenes of her life: she was devoted too with the utmost submission to the Princes of Lorrain, her uncles; and had been accustomed from her infancy to listen to all their advices with a filial respect. The prospect of restoring the public exercise of her own religion, the pleasure of complying with her uncles, and the hopes of gratifying the French monarch, whom the present situation of her affairs in England made it necessary to court, counterbalanced all the prudent considerations which had formerly weighed with her. She instantly joined the confederacy, which had been formed for the destruction of the Protestants, and altered the whole plan of her conduct with regard to Murray and his adherents⁸.

To this fatal resolution may be imputed all the subsequent calamities of Mary's life. Ever since her return into Scotland, fortune may be said to have been propitious to her rather than adverse; and if her prosperity did not rise to any great height, it had, however, suffered no considerable interruption. A thick and settled cloud of adversity, with few gleams of hope, and none of real enjoyment, covers the remainder of her days.

The effects of the new system which Mary had adopted were soon visible. The time of the prorogation of parliament was shortened; and by a new proclamation the 12th of March was fixed for its meeting⁹. Mary resolved, without any further delay, to proceed to the attainder of the rebel lords, and at the same time determined to take some steps towards the reestablishment of the Romish religion in Scotland¹⁰. The lords of the Articles were

⁸ See Append. No. XIV.

⁹ Keith, 326.

¹⁰ It is not on the authority of Knox alone, that we charge the

chosen, as usual, to prepare the business which was to come before the parliament. They were all persons in whom the Queen could confide, and bent to promote her designs. The ruin of Murray and his party seemed now inevitable, and the danger of the reformed church imminent, when an event unexpectedly happened which saved both. If we regard either the barbarity of that age, when such acts of violence were common, or the mean condition of the unhappy person who suffered, the event is little remarkable: but if we reflect upon the circumstances with which it was attended, or upon the consequences which followed it, it appears extremely memorable; and the rise and progress of it deserve to be traced with great care.

Darnly's external accomplishments had excited that sudden and violent passion which raised him to the throne. But the qualities of his mind corresponded ill with the beauty of his person. Of a weak understanding, and without experience; conceited, at the same time, of his own abilities, and ascribing his extraordinary success entirely to his

Queen with the design of reestablishing the Roman Catholic religion, or at least of exempting the professors of it from the rigour of those penal laws to which they were subjected. He indeed asserts that the altars, which would have been erected in the church of St. Giles, were already provided, 394. 1. Mary herself, in a letter to the Archbishop of Glasgow, her ambassador in France, acknowledges, "that in that Parliament she intended to have done some good, with respect to restoring the old religion." Keith, 331. 2. The Spiritual Lords, i. e. the Popish Ecclesiastics, had, by her authority, resumed their ancient place in that assembly. Ibid. 3. She had joined the confederacy at Bayonne, Keith, Append. 167. 4. She allowed mass to be celebrated in different parts of the kingdom, *ibid.*; and declared that she would have mass free for all men that would hear it. Good, vol. i. 274. 5. Blackwood, who was furnished by the Archbishop of Glasgow with materials for writing his *Martyre de Marie*, affirms, that the Queen intended to have procured, in this Parliament, if not the reestablishment of the Catholic religion, at least something for the ease of Catholics. Jebb, vol. ii. 204.

distinguished merit; all the Queen's favour made no impression on such a temper. All her gentleness could not bridle his imperious and ungovernable spirit. All her attention to place about him persons capable of directing his conduct, could not preserve him from rash and imprudent actions¹¹. Fond of all the amusements, and even prone to all the vices of youth, he became by degrees careless of her person, and a stranger to her company. To a woman, and a Queen, such behaviour was intolerable. The lower she had stooped in order to raise him, his behaviour appeared the more ungenerous and criminal: and in proportion to the strength of her first affection was the violence with which her disappointed passion now operated. A few months after the marriage their domestic quarrels began to be observed. The extravagance of Darnly's ambition gave rise to these. Instead of being satisfied with a share in the administration of government, or with the title of King, which Mary, by an unprecedented stretch of power, had conferred on him, he demanded the Crown Matrimonial with most insolent importunity¹². Though Mary alleged that this gift was beyond her power, and that the authority of Parliament must be interposed to bestow it, he wanted either understanding to comprehend or temper to admit so just a defence; and often renewed and urged his request.

Rizio, whom the King had at first taken into great confidence, did not humour him in these follies. By this he incurred Henry's displeasure; and as it was impossible for Mary to behave towards her hus-

¹¹ Good. vol. i. 222.

¹² Keith, 329. Id. Ap. 165, 166. Knox, 404. The eagerness of the King to obtain the *Crown Matrimonial* is not surprising, when the extent of the powers which that title conveyed, as explained in the text and note, vol. i. p. 136, is taken into consideration.

band with the same affection which distinguished the first and happy days of their union, he imputed this coldness, not to his own behaviour, which had so well merited it, but to the insinuations of Rizio. Mary's own conduct confirmed and strengthened these suspicions. She treated this stranger with a familiarity, and admitted him to a share in her confidence, to which neither his first condition nor the office she had lately bestowed on him gave him any title. He was perpetually in her presence, intermeddled in every business, and, together with a few favourites, was the companion of all her private amusements. The haughty spirit of Darnly could not bear the intrusion of such an upstart; and impatient of any delay, and unrestrained by any scruple, he instantly resolved to get rid of him by violence.

At the same time another design, which took its rise from very different motives, was carrying on against the life of Rizio. Morton, Ruthven, Lindsay, and Maitland were the contrivers of it. In all former commotions they had been strictly united with Murray, though in the late insurrection they had deserted him for various reasons. Morton was nearly allied to the family of Angus; and, during the minority of the present Earl, acted as chief of the name of Douglas. Ruthven was married to the King's aunt. Lindsay's wife was of the same blood. All these had warmly concurred with the Queen in promoting a marriage which did so much honour to the house of Douglas, and naturally expected that, under a King of their own blood, the chief management of affairs would be committed to them. Maitland, with his usual sagacity, foresaw that Murray's opposition to the match would prove dangerous and ineffectual; but whoever ruled at court, he hoped, by his dexterity and talents, to render himself necessary and of importance. They

were all equally disappointed in their expectations. The King's headstrong temper rendered him incapable of advice. The Queen could not help distrusting men who had been so long and so intimately connected with Murray, and gave herself up entirely to such counsellors as complied with all her inclinations. The return of that nobleman and his followers was therefore the only event which would restore Morton, Maitland, and their associates to their former ascendant over the Queen's councils. For this reason, nothing could be more mortifying to them than the resolution which Mary had taken to treat the exiles with rigour. This they imputed to Rizio, who, after he had engaged to aid Murray with all his interest, was now the most active instrument in promoting the measures which were concerted for the ruin of that nobleman. This officious zeal completed the disgust which they had conceived against him, and inspired them with thoughts of vengeance in no wise suitable to justice, to humanity, or to their own dignity.

While they were ruminating upon their scheme, the King communicated his resolution to be avenged of Rizio to Lord Ruthven, and implored his assistance and that of his friends towards the execution of this design. Nothing could be more acceptable to them than this overture. They saw at once all the advantages they would reap by the concurrence of such an associate. Their own private revenge upon Rizio would pass, they hoped, for an act of obedience to the King; and they did not despair of obtaining the restoration of their banished friends, and security for the Protestant religion, as the price of their compliance with his will.

But as Henry was no less fickle than rash, they hesitated for some time, and determined to advance no further, without taking every possible precaution for their own safety. They did not, in the mean

time, suffer the King's resentment to abate. Morton, who was inferior to no man of that intriguing age in all the arts of insinuation and address, took the young Prince under his management. He wrought upon his ruling passion, ambition to obtain the Matrimonial Crown. He represented Rizio's credit with the Queen to be the chief and only obstacle to his success in that demand. This minion alone, he said, possessed her confidence; and out of complaisance to him, her subjects, her nobility, and even her husband, were excluded from any participation of her secret councils. Under the appearance of a confidence merely political, he insinuated, and the King perhaps believed, that a familiarity of a quite different and very criminal nature might be concealed¹³. Such various and complicated passions raged in the King's bosom with the utmost fury. He became more impatient than ever of any delay, and even threatened to strike the intended blow with his own hand. At last, preliminaries were settled on both sides, and articles for their mutual security agreed upon. The King engaged to prevent the attainder of the banished Lords, to consent to their return into Scotland, to obtain for them an ample remission of all their crimes, and to support,

¹³ Of all our historians, Buchanan alone avowedly accuses Mary of a criminal love for Rizio, 340. 344. Knox slightly insinuates that such a suspicion was entertained, 391. Melvil, in a conversation with the Queen, intimates that he was afraid her familiarity with Rizio might be liable to misconstruction, 110. The King himself seems, both by Melvil's account, and by his expostulation with the Queen, which Ruthven mentions, to have given credit to these suspicions. Melv. 127. Keith, Append. 123, 124. That the King's suspicions were strong is likewise evident from the paper published, Append. No. XV. But in opposition to these suspicions, and they are nothing more, we may observe that Raulet, the Queen's French secretary, was dismissed from her service, and Rizio advanced to that office, in December, 1564. Keith, 268. It was in consequence of this preferment, that he acquired his great credit with the Queen. Melv. 107. Darnly

to the utmost of his power, the religion which was now established in the kingdom. On their parts, they undertook to procure the Crown Matrimonial for Henry, to secure his right of succession if the Queen should die before him without issue, and to defend that right to the uttermost against whatever person should presume to dispute it; and if either Rizio or any other person should happen to be killed in prosecuting the design, the King promised to acknowledge himself to be the author of the enterprise, and to protect those who were embarked in it¹⁴.

Nothing now remained but to concert the plan of operation, to choose the actors, and to assign them their parts in perpetrating this detestable crime. Every circumstance here paints and characterizes the manners and men of that age, and fills us with horror at both. The place chosen for committing such a deed was the Queen's bed-chamber. Though Mary was now in the sixth month of her pregnancy, and though Rizio might have been seized elsewhere without any difficulty, the King pitched upon this place, that he might enjoy the malicious pleasure of reproaching Rizio with his crimes before the Queen's face. The Earl of Morton, the Lord High Chancellor

arrived in Scotland about two months after. Keith, 269. The Queen immediately conceived for him a passion, which had all the symptoms of genuine and violent love. Rizio aided this passion, and promoted the marriage with all his interest. Melv. 111. During some months after the marriage, the Queen's fondness for Darnly continued. She soon proved with child. From this enumeration of circumstances, it appears almost impossible that the Queen, unless we suppose her to have been a woman utterly abandoned, could carry on any criminal intrigue with Rizio. But the silence of Randolph, the English resident, a man abundantly ready to mention and to aggravate Mary's faults, and who does not once insinuate that her confidence in Rizio concealed any thing criminal, is in itself a sufficient vindication of her innocence.

¹⁴ Good. vol. i. 266.

of the kingdom, undertook to direct an enterprise, carried on in defiance of all the laws of which he was bound to be the guardian. The Lord Ruthven, who had been confined to his bed for three months by a very dangerous distemper, and who was still so feeble that he could hardly walk, or bear the weight of his own armour, was intrusted with the executive part; and while he himself needed to be supported by two men, he came abroad to commit a murder in the presence of his sovereign.

On the 9th of March, Morton entered the court of the palace with a hundred and sixty men; and without noise, or meeting with any resistance, seized all the gates. While the Queen was at supper with the Countess of Argyll, Rizio, and a few other persons, the King suddenly entered the apartment by a private passage. At his back was Ruthven, clad in complete armour, and with that ghastly and horrid look which long sickness had given him. Three or four of his most trusty accomplices followed him. Such an unusual appearance alarmed those who were present. Rizio instantly apprehended that he was the victim at whom the blow was aimed; and in the utmost consternation retired behind the Queen, of whom he laid hold, hoping that the reverence due to her person might prove some protection to him. The conspirators had proceeded too far to be restrained by any consideration of that kind. Numbers of armed men rushed into the chamber. Ruthven drew his dagger, and with a furious mien and voice commanded Rizio to leave a place of which he was unworthy, and which he had occupied too long. Mary employed tears, and entreaties, and threatenings, to save her favourite. But, notwithstanding all these, he was torn from her by violence, and before he could be dragged through the next apartment, the rage of his enemies

put an end to his life, piercing his body with fifty-six wounds¹⁵.

Athol, Huntly, Bothwell, and other confidents of the Queen, who had apartments in the palace, were alarmed at the uproar, and filled with the utmost terror on their own account; but either no violence was intended against them, or the conspirators durst not shed the noblest blood in the kingdom in the same illegal manner with which they had ventured to take the life of a stranger. Some of them were dismissed, and others made their escape.

The conspirators, in the mean time, kept possession of the palace, and guarded the Queen with the utmost care. A proclamation was published by the King, prohibiting the parliament to meet on the day appointed; and measures were taken by him for preventing any tumult in the city¹⁶. Murray, Rothes, and their followers, being informed of every step taken against Rizio, arrived at Edinburgh next evening. Murray was graciously received both by the King and Queen: by the former, on account of the articles which had been agreed upon between them; by the latter, because she hoped to prevail on him, by gentle treatment, not to take part with the murderers of Rizio. Their power she still felt and dreaded; and the insult which they had offered to her authority, and even to her person, so far exceeded any crime she could impute to Murray that, in hopes of wreaking her vengeance on them, she became extremely willing to be reconciled to him. The obligations, however, which Murray lay under to men who had hazarded their lives on his account, engaged him to labour for their safety. The Queen, who scarce had the liberty of choice left, was persuaded to admit Morton and Ruthven into her presence, and to grant them the promise of pardon

¹⁵ See Appendix, No. XV.

¹⁶ Keith, Appendix, 126.

in whatever terms they should deem necessary for their own security.

The King, meanwhile, stood astonished at the boldness and success of his own enterprise, and uncertain what course to hold. The Queen observed his irresolution, and availed herself of it. She employed all her art to disengage him from his new associates. His consciousness of the insult which he had offered to so illustrious a benefactress inspired him with uncommon facility and complaisance. In spite of all the warnings he received to distrust the Queen's artifices, she prevailed on him [March 11], to dismiss the guards which the conspirators had placed on her person; and that same night he made his escape along with her, attended by three persons only, and retired to Dunbar. The scheme of their flight had been communicated to Huntly and Bothwell, and they were quickly joined by them and several other of the nobles. Bothwell's estate lay in that corner of the kingdom, and his followers crowded to their chief in such numbers as soon enabled the Queen to set the power of the conspirators at defiance.

This sudden flight filled them with inexpressible consternation. They had obtained a promise of pardon; and it now appeared from the Queen's conduct, that nothing more was intended by this promise than to amuse them and to gain time. They ventured, however, to demand the accomplishment of it; but their messenger was detained a prisoner, and the Queen, advancing towards Edinburgh at the head of eight thousand men, talked in the highest strain of resentment and revenge. She had the address, at the same time, to separate Murray and his associates from the conspirators against Rizio. Sensible that the union of these parties would form a confederacy which might prove formidable to the crown, she expressed great

willingness to receive the former into favour; towards the latter she declared herself inexorable. Murray and his followers were no less willing to accept a pardon on her terms. The conspirators against Rizio, deprived of every resource, and incapable of resistance, fled precipitately to Newcastle [March 10], having thus changed situations with Murray and his party, who left that place a few days before.

No man so remarkable for wisdom, and even for cunning, as the Earl of Morton, ever engaged in a more unfortunate enterprise. Deserted basely by the King, who now denied his knowledge of the conspiracy by public proclamations, and abandoned ungenerously by Murray and his party¹⁷, he was obliged to fly from his native country, to resign the highest office, and to part with one of the most opulent fortunes in the kingdom.

On her return to Edinburgh, Mary began to proceed against those concerned in the murder of Rizio with the utmost rigour of law. But, in praise of her clemency, it must be observed, that only two persons, and these of no considerable rank, suffered for this crime¹⁸.

In this conspiracy there is one circumstance which, though somewhat detached, deserves not to be forgotten. In the confederacy between the King and the conspirators, the real intention of which was assassination, the preserving of the reformed church is, nevertheless, one of the most considerable articles; and the same men, who were preparing to violate one of the first duties of morality, affected the highest regard for religion. History relates these extravagances of the human mind, without pretending to justify, or even to account for them; and, regulating her own opinions by the eternal and immutable laws of justice and of virtue, points

¹⁷ Melv. 130.

¹⁸ Keith, Appendix, 130. 334.

out such inconsistencies as features of the age which she describes, and records them for the instruction of ages to come.

As this is the second instance of deliberate assassination which has occurred, and as we shall hereafter meet with many other instances of the same crime, the causes which gave rise to a practice so shocking to humanity deserve our particular attention. Resentment is, for obvious and wise reasons, one of the strongest passions in the human mind. The natural demand of this passion is, that the person who feels the injury should himself inflict the vengeance due on that account. The permitting this, however, would have been destructive to society; and punishment would have known no bounds, either in severity or in duration. For this reason, in the very infancy of the social state, the sword was taken out of private hands, and committed to the magistrate. But at first, while laws aimed at restraining, they really strengthened the principle of revenge. The earliest and most simple punishment for crimes was retaliation; the offender forfeited limb for limb, and life for life. The payment of a compensation to the person injured succeeded to the rigour of the former institution. In both these the gratification of private revenge was the object of law; and he who suffered the wrong was the only person who had a right to pursue, to exact, or to remit the punishment. While laws allowed such full scope to the revenge of one party, the interests of the other were not neglected. If the evidence of his guilt did not amount to a full proof, or if he reckoned himself to be unjustly accused, the person to whom a crime was imputed had a right to challenge his adversary to single combat, and, on obtaining the victory, vindicated his own honour. In almost every considerable cause, whether civil or criminal, arms were appealed to, in defence, either of the

innocence or the property of the parties. Justice had seldom occasion to use her balance; the sword alone decided every contest. The passion of revenge was nourished by all these means, and grew, by daily indulgence, to be incredibly strong. Mankind became habituated to blood, not only in times of war, but of peace; and from this, as well as other causes, contracted an amazing ferocity of temper and of manners. This ferocity, however, made it necessary to discourage the trial by combat; to abolish the payment of compensations in criminal cases; and to think of some milder method of terminating disputes concerning civil rights. The punishments for crimes became more severe, and the regulations concerning property more fixed; but the Princes, whose province it was to inflict the one and to enforce the other, possessed little power. Great offenders despised their authority; smaller ones sheltered themselves under the jurisdiction of those from whose protection they expected impunity. The administration of justice was extremely feeble and dilatory. An attempt to punish the crimes of a chieftain, or even of his vassals, often excited rebellions and civil wars. To nobles, haughty and independent, among whom the causes of discord were many and unavoidable, who were quick in discerning an injury, and impatient to revenge it; who deemed it infamous to submit to an enemy, and cowardly to forgive him; who considered the right of punishing those who had injured them as a privilege of their order and a mark of independence; such slow proceedings were extremely unsatisfactory. The blood of their adversary was, in their opinion, the only thing which could wash away an affront: where that was not shed, their revenge was disappointed, and their courage became suspected, and a stain was left on their honour. That vengeance, which the impotent hand of the

magistrate could not inflict, their own could easily execute. Under governments so feeble, men assumed, as in a state of nature, the right of judging and redressing their own wrongs; and thus assassination, a crime of all others the most destructive to society, came not only to be allowed, but to be reckoned honourable.

The history of Europe, during the fourteenth and fifteenth centuries, abounds with detestable instances of this crime. It prevailed chiefly among the French and Scots, between whom there was a close intercourse at that time, and a surprising resemblance in their national characters. In 1407, the only brother of the King of France was murdered publicly in the streets of Paris; and so far was this horrible action from meeting with proper punishment, that an eminent lawyer was allowed to plead in defence of it before the peers of France, and avowedly to maintain the lawfulness of assassination. In 1417, it required all the eloquence and authority of the famous Gerson, to prevail on the council of Constance to condemn this proposition, "That there are some cases in which assassination is a virtue more meritorious in a knight than in a squire, and more meritorious in a king than in a knight¹⁹." The number of eminent persons who were murdered in France and Scotland, on account either of private, or political, or religious quarrels, during the fifteenth and sixteenth centuries, is almost incredible. Even after those causes, which first gave rise to this barbarous practice, were removed; after the jurisdiction of magistrates, and the authority of laws, were better established, and become more universal; after the progress of learning and philosophy had polished the manners and humanized the minds of men, this crime continued in some degree. It was towards the close of the seventeenth century before it dis-

¹⁹ L'Enfant, Hist. Conc. de Const.

appeared in France. The additional vigour, which the Royal authority acquired by the accession of James VI. to the throne of England, seems to have put a stop to it in Scotland.

The influence, however, of any national custom, both on the understanding and on the heart, and how far it may go towards perverting or extinguishing moral principles of the greatest importance, is remarkable. The authors of those ages have perfectly imbibed the sentiments of their cotemporaries with regard to assassination; and they who had leisure to reflect and to judge appear to be no more shocked at this crime than the persons who committed it during the heat and impetuosity of passion. Buchanan describes the murder of Cardinal Beatoun and of Rizio, without expressing those feelings which are natural to a man, or that indignation which became an historian²⁰. Knox, whose mind was fiercer and more unpolished, relates the death of Beatoun and of the Duke of Guise, not only without censure, but with the utmost exultation²¹. On the other hand, the Bishop of Ross mentions the assassination of the Earl of Murray with some degree of applause²². Blackwood dwells upon it with the most indecent triumph, and ascribes it directly to the hand of God²³. Lord Ruthven, the principal actor in the conspiracy against Rizio, wrote an account of it some short time before his own death, and in all his long narrative there is not one expression of regret, or one symptom of compunction, for a crime no less dishonourable than barbarous²⁴. Morton, equally guilty of the same crime, entertained the same sentiments concerning it; and in his last moments, neither he himself nor the ministers who attended him seem

²⁰ Buchan. 295. 345.

²¹ Knox, 334.

²² Anders. 3. 84.

²³ Jebb, ii. 263.

²⁴ Keith, Append. 119.

to have considered it as an action which called for repentance; even then he talks of *David's slaughter* as coolly as if it had been an innocent or commendable deed²⁵. The vices of another age astonish and shock us; the vices of our own become familiar, and excite little horror²⁶. I return from this digression to the course of the history.

The charm which had at first attached the Queen to Darnly, and held them for some time in a happy union, was now entirely dissolved; and love no longer covering his follies and vices with its friendly veil, they appeared to Mary in their full dimension and deformity²⁷. Though Henry published a proclamation disclaiming any knowledge of the conspiracy against Rizio, the Queen was fully convinced that he was not only accessory to the contrivance, but to the commission of that odious crime²⁸. That very power which, with liberal and unsuspicious fondness, she had conferred upon him, he had employed to insult her authority, to limit her prerogative, and to endanger her person. Such an outrage it was impossible any woman could bear or forgive. Cold civilities, secret distrust, frequent quarrels, succeeded to their former transports of affection and

²⁵ Crawl. Mem. Append.

²⁶ In the first accounts of Rizio's murder sent to England, there seem to have been mingled (as is usual in relating extraordinary events) some circumstances which afterwards appeared to be false: among others, that a friar named *Black* had been slain at the same time with Rizio. Packhurst, Bishop of Norwich, in communicating this intelligence to his correspondent Bullinger, an eminent reformed divine of Zurich, expresses no condemnation of the murder of Rizio, and exults over the supposed death of the friar in terms which, in our times, will appear as shocking as they are puerile: "*Fraterculus quidam, nomine Black, papistarum antesignanus, eodem tempore in aula occiditur: Sic niger hic nebulo, nigra quoque morte peremptus, invitus nigrum subito descendit in Orcum.*" Burn. Hist. of Reform. iii. App. 360.

²⁷ See Appendix, No. XVI.

²⁸ Keith, 350.

confidence. The Queen's favours were no longer conveyed through his hands. The crowd of expectants ceased to court his patronage, which they found to avail so little. Among the nobles, some dreaded his furious temper, others complained of his perfidiousness; and all of them despised the weakness of his understanding and the inconstancy of his heart. The people themselves observed some parts of his conduct which little suited the dignity of a King. Addicted to drunkenness, beyond what the manners of that age could bear, and indulging irregular passions, which even the licentiousness of youth could not excuse, he, by his indecent behaviour, provoked the Queen to the utmost; and the passions which it occasioned often forced tears from her eyes, both in public and private²⁹. Her aversion for him increased every day, and could be no longer concealed. He was often absent from court, appeared there with little splendour, and was trusted with no power. Avoided equally by those who endeavoured to please the Queen, who favoured Morton and his associates, or who adhered to the house of Hamilton, he was left almost alone in a neglected and unpitied solitude³⁰.

About this time a new favourite grew into great credit with the Queen, and soon gained an ascendant over her heart, which encouraged his enterprising genius to form designs that proved fatal to himself, and the occasion of all Mary's subsequent misfortunes. This was James Hepburn, Earl of Bothwell, the head of an ancient family, and, by his extensive possessions and numerous vassals, one of the most powerful noblemen in the kingdom. Even in that turbulent age, when so many vast projects were laid open to an aspiring mind, and invited it to action, no man's ambition was more daring than Bothwell's, or had recourse to bolder or more singular expe-

²⁹ Keith, 329.

³⁰ Melv. 131, &c.

dients for obtaining power³¹. When almost every person of distinction in the kingdom, whether Papist or Protestant, had joined the Congregation in opposing the dangerous encroachments of the French upon the liberties of the nation, he, though an avowed Protestant, adhered to the Queen Regent, and acted with vigour on her side. The success which attended the arms of the Congregation having obliged him to retire into France, he was taken into the Queen's service, and continued with her till the time of her return into Scotland³². From that period, every step of his conduct towards Mary was remarkably dutiful; and amidst all the shiftings of faction, we scarcely ever find him holding any course which could be offensive to her. When Murray's proceedings with regard to her marriage gave umbrage to the Queen, she recalled Bothwell from that banishment into which she had been obliged with reluctance to drive him, and considered his zeal and abilities as the most powerful supports of her authority. When the conspirators against Rizio seized her person, he became the chief instrument of recovering her liberty, and served her, on that occasion, with so much fidelity and success as made the deepest impression on her mind, and greatly increased the confidence which she had hitherto placed in him³³. Her gratitude loaded him with marks of her bounty;

³¹ The enterprising spirit of Bothwell was so conspicuous as to procure him several marks of distinction during his residence in France. Hardwick's State Papers, i. 143. Throgmorton, the English ambassador at Paris, and one of the most sagacious ministers employed by Elizabeth, points him out as a person who was to be dreaded and observed. "The Earl of Bothwell," says he in a letter, Nov. 28, 1560, "is departed to return into Scotland, and hath made boast that he will do great things, and live in Scotland in despite of all men. He is a glorious, rash, and hazardous *young* man; and therefore it were meet that his adversaries should both have an eye to him, and also keep him short." Ibid. p. 149.

³² Anders. i. 90.

³³ Ibid. 92, 93.

she raised him to offices of profit and trust, and transacted no matter of importance without his advice³⁴. By complaisance and assiduity he confirmed and fortified these dispositions of the Queen in his favour, and insensibly paved the way towards that vast project which his immoderate ambition had perhaps already conceived, and which, in spite of many difficulties, and at the expense of many crimes, he at last accomplished.

The hour of the Queen's delivery now approached. As her palace was defended only by a slender guard, it seemed imprudent to expose her person, at this time, to the insults she might suffer in a kingdom torn by factions and prone to mutiny. For this reason the privy council advised the Queen to fix her residence in the castle of Edinburgh, the strongest fortress in the kingdom, and the most proper place for the security of her person³⁵. In order to render this security more perfect, Mary laboured to extinguish the domestic feuds which divided some of the principal nobles. Murray and Argyll were exasperated against Huntly and Bothwell by reciprocal and repeated injuries. The Queen, by her authority and entreaties, effected a reconciliation among them, and drew from them a promise to bury their discords in everlasting oblivion. This reconciliation Mary had so much at heart that she made it the condition on which she again received Murray into favour³⁶.

On the 19th of June, Mary was delivered of her only son James, a Prince whose birth was happy for the whole island, and unfortunate to her alone. His accession to the throne of England united the two divided kingdoms in one mighty monarchy, and established the power of Great Britain on a firm foundation; while she, torn early from her son by

³⁴ Melv. 133. Knox, 396.

³⁵ Keith, 335.

³⁶ Keith, 336. Append. 139.

the cruelty of her fate, was never allowed to indulge those tender passions, nor to taste those joys which fill the heart of a mother.

Melvil was instantly dispatched to London with an account of this event. It struck Elizabeth, at first, in a sensible manner; and the advantage and superiority which her rival had acquired by the birth of a son forced tears from her eyes. But before Melvil was admitted to an audience, she had so far recovered the command of herself, as to receive him not only with decency but with excessive cheerfulness; and willingly accepted the invitation which Mary gave her, to stand godmother to her son³⁷.

As Mary loved splendour and magnificence, she resolved to celebrate the baptism of the young Prince with great pomp; and for that purpose sent invitations of the same kind to the French King, and to the Duke of Savoy, the uncle of her former husband.

The Queen, on her recovery, discovered no change in her sentiments with respect to the King³⁸. The death of Rizio, and the countenance he had given to an action so insolent and unjustifiable, were still fresh in her memory. She was frequently pensive and dejected³⁹. Though Henry sometimes attended at court, and accompanied her in her progresses through different parts of the kingdom, he met with little reverence from the nobles, while Mary treated him with the greatest reserve, and did not suffer him to possess any authority⁴⁰. The breach between them became every day more apparent⁴¹. Attempts were made towards a reconciliation, particularly by Castelnau, the French ambassador; but, after such a violent rupture, it was found no easy matter to bind the nuptial knot anew; and, although he prevailed

³⁷ Melv. 138.

³⁸ See Append. No. xvii.

³⁹ Melv. 148.

⁴⁰ Keith, 350. Melv. 132.

⁴¹ Keith, Append. 169.

on the King and Queen to pass two nights together⁴², we may, with great probability, pronounce this appearance of union, to which Castelnau trusted, not to have been sincere; we know with certainty that it was not lasting.

Bothwell, all this while, was the Queen's prime confidant. Without his participation no business was concluded, and no favour bestowed. Together with this ascendant over her councils, Bothwell, if we may believe the contemporary historians, acquired no less sway over her heart. But at what precise time this ambitious Lord first allowed the sentiments of a lover to occupy the place of that duty and respect which a subject owes his sovereign; or when Mary, instead of gratitude for his faithful services, felt a passion of another nature rising in her bosom, it is no easy matter to determine. Such delicate transitions of passion can be discerned only by those who are admitted near the persons of the parties, and who can view the secret workings of the heart with calm and acute observation. Neither Knox nor Buchanan enjoyed these advantages. Their humble station allowed them only a distant access to the Queen and her favourite. And the ardour of their zeal, as well as the violence of their prejudices, rendered their opinions rash, precipitate, and inaccurate. It is by the effects of this reciprocal passion, rather than by their accounts of it, that subsequent historians can judge of its reality.

Adventurous as Bothwell's project to gain the Queen may appear, it was formed and carried on under very favourable circumstances. Mary was young, gay, and affable. She possessed great sensibility of temper, and was capable of the utmost tenderness of affection. She had placed her love on a very unworthy object, who requited it with ingratitude, and treated her with neglect, with insolence,

⁴² Keith, 169.

and with brutality. All these she felt and resented. In this situation, the attention and complaisance of a man who had vindicated her authority and protected her person, who entered into all her views, who soothed all her passions, who watched and improved every opportunity of insinuating his design and recommending his passion⁴³, could hardly fail of making an impression on a heart of such a frame as Mary's.

The haughty spirit of Darnly, nursed up in flattery and accustomed to command, could not bear the contempt under which he had now fallen, and the state of insignificance to which he saw himself reduced. But, in a country where he was universally hated or despised, he could never hope to form a party, which would second any attempt he might make to recover power. He addressed himself, therefore, to the Pope, and to the Kings of France and Spain, with many professions of his own zeal for the Catholic religion, and with bitter complaints against the Queen, for neglecting to promote that interest⁴⁴: and, soon after, he took a resolution, equally wild and desperate, of embarking on board a ship which he provided, and of flying into foreign parts. It is almost impossible to form any satisfactory conjecture concerning the motives which influence a capricious and irregular mind. He hoped, perhaps, to recommend himself to the Catholic Princes on the continent by his zeal for religion, and that they would employ their interest towards reinstating him in the possession of that power which he had lost. Perhaps he expected nothing more than the comfort of hiding the disgrace, under which he was now fallen, among strangers, who had never been witnesses of his former prosperity.

He communicated the design to the French ambassador, Le Croc, and to his father the Earl of

⁴³ Anders. i. 93, 94.

⁴⁴ Knox, 399.

Lennox. They both endeavoured to dissuade him from it, but without success. Lennox, who seems, as well as his son, to have lost the Queen's confidence, and who, about this time, was seldom at court, instantly communicated the matter to her by a letter. Henry, who had refused to accompany the Queen from Stirling to Edinburgh, was likewise absent from court. He arrived there, however, on the same day she received the account of his intended flight. But he was more than usually wayward and peevish; and, scrupling to enter the palace unless certain Lords who attended the Queen were dismissed, Mary was obliged to meet him without the gates. At last he suffered her to conduct him into her own apartment. She endeavoured to draw from him the reasons of the strange resolution which he had taken, and to divert him from it. In spite, however, of all her arguments and entreaties, he remained silent and inflexible. Next day the privy council, by her direction, expostulated with him on the same head. He persisted, notwithstanding, in his sullenness and obstinacy; and neither deigned to explain the motives of his conduct, nor signified any intention of altering it. As he left the apartment, he turned towards the Queen, and told her that she should not see his face again for a long time. A few days after, he wrote to Mary, and mentioned two things as grounds of his disgust. She herself, he said, no longer admitted him into any confidence, and had deprived him of all power; and the nobles, after her example, treated him with open neglect, so that he appeared in every place without the dignity and splendour of a King.

Nothing could be more mortifying to Mary than this intended flight of the King's, which would have spread the infamy of their domestic quarrel all over Europe. Compassion for a monarch, who would then appear to be forced into exile by her neglect

and ill usage, might have disposed mankind to entertain sentiments, concerning the causes of their discord, little to her advantage. In order, therefore to prepossess the minds of her allies, and to screen her reputation from any censure with which Darnly might endeavour to load it, the privy council transmitted a narrative of this whole transaction both to the King and to the Queen-mother of France. It was drawn with great art, and sets Mary's conduct in the most favourable point of view⁴⁵.

About this time the licence of the borderers called for redress; and Mary resolving to hold a court of justice at Jedburgh, the inhabitants of several adjacent counties were summoned to attend their Sovereign in arms, according to custom⁴⁶. Bothwell was at that time lieutenant or warden of all the marches, an office among the most important in the kingdom; and, though usually divided into three distinct governments, bestowed by the Queen's favour upon him alone. In order to display his own valour and activity in the discharge of this trust, he attempted to seize a gang of banditti, who, lurking among the marshes of Liddesdale, infested the rest of the country. But while he was laying hold upon one of those desperadoes [Oct. 16], he was wounded by him in several places, so that his followers were obliged to carry him to Hermitage castle. Mary instantly flew thither with an impatience which has been considered as marking the anxiety of a lover, but little suited the dignity of a Queen⁴⁷. Finding that Bothwell was threatened

⁴⁵ Keith, 345. 347.

⁴⁶ Ibid. 353. Good, vol. i. 302.

⁴⁷ The distance between Jedburgh and Hermitage is eighteen Scottish miles, through a country almost impassable. The season of the year was far advanced. Bothwell seems to have been wounded in a scuffle, occasioned by the despair of a single man, rather than any open insurrection of the borderers. It does not appear that the Queen was attended by any considerable train. Had any military operation been necessary, as is supposed. Good.

with no dangerous symptom, she returned the same day to Jedburgh. The fatigue of such a journey, added to the anguish of mind she had suffered on Bothwell's account, threw her next morning into a violent fever⁴⁸. Her life was despaired of; but her youth, and the vigour of her constitution, resisted the malignity of her disease. During the continuance of the Queen's illness, the King, who resided at Stirling, never came near Jedburgh⁴⁹; and when he afterwards thought fit to make his appearance there [Nov. 5], he met with such a cold reception as did not encourage him to make any long stay⁵⁰. Mary soon recovered strength enough to return along the eastern borders to Dunbar.

While she resided in this place, her attention was turned towards England. Elizabeth, notwithstanding her promise and even proclamations to the contrary, not only allowed, but encouraged Morton and his associates to remain in England⁵¹. Mary, on the other hand, offered her protection to several English fugitives. Each Queen watched the motions of the other with a jealous attention, and secretly countenanced the practices which were carrying on to disturb the administration of her rival.

For this purpose Mary's ambassador, Robert Melvil, and her other emissaries were extremely active and successful. We may ascribe, in a good degree, to their intrigues, that spirit which appeared

vol. i. 304, it would have been extremely improper to risque the Queen's person in an expedition against thieves. As soon as the Queen found Bothwell to be in no danger, she instantly returned; and after this we hear no more of the insurrection, nor have we any proof that the rioters took refuge in England. As there is no further evidence with respect to the motives of this extraordinary journey, the reader must judge what degree of credit is due to Knox and Buchanan, who ascribe it to the Queen's love of Bothwell.

⁴⁸ Keith, 351, 352.

⁴⁹ Ibid. Append. 133.

⁵⁰ Knox, 400.

⁵¹ Cald. vol. ii. p. 15.

in the parliament of England, and which raised a storm that threatened Elizabeth's domestic tranquillity more than any other event of her reign, and required all her art and dexterity to allay it.

Elizabeth had now reigned eight years without discovering the least intention to marry. A violent distemper with which she had lately been seized, having endangered her life, and alarmed the nation with the prospect of all those calamities which are occasioned by a disputed and dubious succession, a motion was made, and eagerly listened to in both houses, for addressing the Queen to provide against any such danger in times to come, either by signifying her own resolution to marry, or by consenting to an act establishing the order of succession to the crown⁵². Her love to her subjects, her duty to the public, her concern for posterity, it was asserted, not only called upon but obliged her to take one of these steps. The insuperable aversion which she had all along discovered for marriage made it improbable that she would choose the former; and if she complied with the latter request, no title to the crown could, with any colour of justice, be set in opposition to that of the Scottish Queen. Elizabeth was sagacious enough to see the remotest consequences of this motion, and observed them with the greatest anxiety. Mary, by refusing so often to ratify the treaty of Edinburgh, had plainly intimated a design of embracing the first promising opportunity for prosecuting her right to the English crown; and, by her secret negotiations, she had gained many to favour her title⁵³. All the Roman Catholics ardently wished for her succession. Her gentleness and humanity had removed many of those apprehensions which the Protestants entertained on account of her religion. The court faction, which envied the power of Cecil, and endeavoured to wrest the

⁵² D'Ewes' Journ. of Parl. 105.

⁵³ Melv. 136.

administration out of his hands, advanced the pretensions of the Scottish Queen in opposition to him. The union of the two kingdoms was a desirable object to all wise men in both nations; and the birth of the young Prince was a security for the continuance of this blessing, and gave hopes of its perpetuity.

Under these circumstances, and while the nation was in such a temper, a parliamentary declaration of Mary's title would have been highly detrimental to Elizabeth. The present unsettled state of the succession left much in her power. Her resentment alone might have gone far towards excluding any of the competitors from the crown; and the dread of this had hitherto restrained and overawed the ambition of the Scottish Queen. But if this check should be removed by the legal acknowledgment of her title, Mary would be more at liberty to pursue her dangerous designs, and to act without fear or reserve. Her partisans were already meditating schemes for insurrections in different parts of the kingdom⁵⁴; and an act of parliament, recognising the rights of that Princess, whose pretensions they favoured, would have been nothing less than a signal to arms; and, notwithstanding Elizabeth's just title to the affections of her subjects, might have shaken and endangered her throne.

While this matter remained in suspense in both houses, an account of it was transmitted to Mary by Melvil, her ambassador. As she did not want advocates for her right, even among those who were near Elizabeth's person, she endeavoured to cultivate the disposition which appeared towards settling the right of succession in her favour, by a letter to the privy counsellors of England. She expressed in it a grateful sense of Elizabeth's friendship, which she ascribes chiefly to their good offices with their

⁵⁴ Melv. 147.

Sovereign in her behalf. She declared her resolution to live in perpetual amity with England, without urging or pursuing her claim upon the crown any further than should be agreeable to the Queen. But, at the same time, as her right of succession was undoubted, she hoped it would be examined with candour, and judged of with impartiality. The nobles who attended her wrote to the English privy council in the same strain⁵⁵. Mary artfully gave these letters the air of being nothing more than a declaration of her own and of her subjects' gratitude towards Elizabeth. But, as she could not be ignorant of the jealousy and fear with which Elizabeth observed the proceedings of Parliament, a step so uncommon as this, of one Prince's entering into public correspondence with the privy counsellors of another, could not be otherwise construed than as taken with an intention to encourage the spirit which had already been raised among the English. In this light it seems to have appeared to Elizabeth herself⁵⁶. But the disposition of her people rendering it necessary to treat Mary's person with great decency, and her title with much regard, she mentioned it to her only in the softest language.

Nothing, however, could be a more cruel mortification to a Princess of Elizabeth's character than the temper which both houses of Parliament discovered on this occasion. She bent all her policy to defeat or elude the motion. After allowing the first heat of their zeal to evaporate, she called into her presence a certain number of each house. She soothed and caressed them; she threatened and promised; she remitted subsidies which were due, and refused those which were offered; and, in the end, prevailed to have this formidable motion put off for that session. Happily for her, the conduct of the Scottish Queen, and the misfortunes which

⁵⁵ Keith, 354. Append. 136.

⁵⁶ Keith, 357.

befell her, prevented the revival of such a motion in any future parliament⁵⁷.

Meantime, in order to preserve the reputation of impartiality, and that she might not drive Mary into any desperate measure, she committed to the Tower one Thornton, who had published something derogatory to the right of the Scottish line⁵⁸; and signified her displeasure against a member of the House of Commons, who seemed, by some words in a speech, to glance at Mary⁵⁹.

Amidst all her other cares, Mary was ever solicitous to promote the interest of that religion which she professed. The reestablishment of the Romish doctrine seems to have been her favourite passion; and though the design was concealed with care and conducted with caution, she pursued it with a persevering zeal. At this time she ventured to lay aside somewhat of her usual reserve; and the aid which she expected from the Popish Princes, who had engaged in the league of Bayonne, encouraged her to take a step which, if we consider the temper of the nation, appears to be extremely bold. Having formerly held a secret correspondence with the court of Rome, she now resolved to allow a nuncio from the Pope publicly to enter her dominions. Cardinal Laurea, at that time Bishop of Mondovi, was the person on whom Pius V. conferred this office, and along with him he sent the Queen a present of twenty thousand crowns⁶⁰. It is not the character of the papal court to open its treasury upon distant or imaginary hopes. The business of the nuncio into Scotland could be no other than to attempt a reconciliation of that kingdom to the Romish see. Thus Mary herself understood it; and, in her

⁵⁷ D'Ewes' Journ. 104—130. Camd. 399. Melv. 119. Haynes, 446.

⁵⁸ Camd. 401.

⁵⁹ Haynes, 449.

⁶⁰ Vita Card. Laur. ap. Burn, vol. iii. p. 325.

answer to a letter which she received from the Pope, after expressing her grateful sense of his paternal care and liberality, she promises that she would bend her whole strength towards the reestablishment and propagation of the Catholic faith; that she would receive the nuncio with every possible demonstration of respect, and concur with the utmost vigour in all his designs towards promoting the honour of God, and restoring peace to the kingdom; that she would celebrate the baptism of the Prince according to the ceremonies which the Romish ritual prescribes, hoping that her subjects would be taught, by this example, again to reverence the sacraments of the church, which they had so long treated with contempt; and that she would be careful to instil early into her son the principles of a sincere love and attachment to the Catholic faith⁶¹. But though the nuncio was already arrived at Paris, and had sent over one of his attendants with part of the money, the Queen did not think the juncture proper for his reception. Elizabeth was preparing to send a magnificent embassy into Scotland, against the time of the Prince's baptism, and, as it would have been improper to offend her, she wisely contrived, under various pretences, to detain Laurea at Paris⁶². The convulsions into which the kingdom was thrown soon after made it impossible for him to pursue his journey any further.

At the very time that Mary was secretly carrying on these negotiations for subverting the reformed church, she did not scruple publicly to employ her authority towards obtaining for its ministers a more certain and comfortable subsistence⁶³. During this year, she issued several proclamations and acts of council for that purpose, and readily approved of every scheme which was proposed for the more

⁶¹ *Conæi Vita Mariæ*, ap. Jebb, vol. ii. p. 51.

⁶² Keith, *Append.* 135. ⁶³ Keith, 561, 562. Knox, 401.

effectual payment of their stipends. This part of her conduct does little honour to Mary's integrity : and though justified by the example of Princes, who often reckon falsehood and deceit among the necessary arts of government, and even authorized by the pernicious casuistry of the Roman church, which transfers breach of faith to heretics from the list of crimes to that of duties ; such dissimulation, however, must be numbered among those blemishes which never stain a truly great and generous character.

As neither the French nor Piedmontese ambassadors were yet arrived, the baptism of the Prince was put off from time to time. Meanwhile, Mary fixed her residence at Craigmillar⁶⁴. Such retirement, perhaps, suited the present temper of her mind, and induced her to prefer it before her own palace of Holyrood-house. Her aversion for the King grew every day more confirmed, and was become altogether incurable. A deep melancholy succeeded to that gaiety of spirit which was natural to her. The rashness and levity of her own choice, and the King's ingratitude and obstinacy, filled her with shame and with despair. A variety of passions preyed at once on a mind, all whose sensations were exquisite, and all its emotions strong, and often extorted from her the last wish of the unfortunate, that life itself might come to an end⁶⁵.

But as the Earl of Bedford, and the Count de Brienne, the English and French ambassadors, whom she had long expected, arrived about this time, Mary was obliged to suppress what passed in her bosom, and to set out for Stirling in order to celebrate the baptism of her son. Bedford was attended by a numerous and splendid train, and brought presents from Elizabeth, suitable to her own dignity, and the respect with which she affected,

⁶⁴ Keith, 355.

⁶⁵ Keith, Pref. vii.

at that time, to treat the Queen of Scots. Great preparations had been made by Mary, and the magnificence displayed by her on this occasion exceeded whatever had been formerly known in Scotland. The ceremony itself was performed [Dec. 17], according to the rites of the Romish church. But neither Bedford nor any of the Scottish nobles who professed the Protestant religion, entered within the gates of the chapel⁶⁶. The spirit of that age, firm and uncomplying, would not, upon any inducement, condescend to witness an action which is deemed idolatrous.

Henry's behaviour at this juncture perfectly discovers the excess of his caprice, as well as of his folly. He chose to reside at Stirling, but confined himself to his own apartment; and, as the Queen distrusted every nobleman who ventured to converse with him, he was left in absolute solitude. Nothing could be more singular, or was less expected, than his choosing to appear in a manner that both published the contempt under which he had fallen, and, by exposing the Queen's domestic unhappiness to the observation of so many foreigners, looked like a step taken on purpose to mortify and to offend her. Mary felt this insult sensibly; and notwithstanding all her efforts to assume the gaiety which suited the occasion, and which was necessary for the polite reception of her guests, she was sometimes obliged to retire, in order to be at liberty to indulge her sorrow, and give vent to her tears⁶⁷. The King still persisted in his design of retiring into foreign parts, and daily threatened to put it into execution⁶⁸.

⁶⁶ Keith, 360.

⁶⁷ Keith, Pref. vii.

⁶⁸ Camden affirms, 401, that Bedford was commanded by Elizabeth not to give Darnly the title of King. As this was an indignity not to be borne either by Mary or her husband, it hath been asserted to be the cause of the King's absence from the ceremony of his son's baptism. Keith, 360. Good. 319. But 1. No such thing is to be found among Bedford's instructions, the

The ceremony of witnessing the Prince's baptism was not the sole business of Bedford's embassy. His instructions contained an overture which ought to have gone far towards extinguishing those jealousies which had so long subsisted between the two Queens. The treaty of Edinburgh, which had been so often mentioned, was the principal occasion of these. The spirit, however, which had risen to such a height in the late parliament, the power of the party which favoured the Scottish Queen's title, the number and activity of her agents in different parts of the kingdom, alarmed Elizabeth, and induced her to forego any advantage which the ambiguous and artful expressions in that treaty

original of which still remains. Keith, 356. 2. Bedford's advice to the Queen by Melvil is utterly inconsistent with Camden's assertion. Melv. 153. Melvil's account is confirmed by Elizabeth's instructions to Sir Henry Norris, where she affirms that she commanded Bedford to employ his best offices towards reconciling Mary to her husband, which she had attempted to no purpose. Digges's Compl. Ambas. p. 13. A paper published, Appendix No. XVIII. proves the same thing. 3. Le Croc the French resident mentions the King's absence, but without giving that reason for it, which has been founded on Camden's words, though, if that had been the real one, it is hardly possible to conceive that he should have neglected to mention it. Le Croc's first letter is dated December 2, some time prior to the arrival of the Earl of Bedford in Scotland; and when his instructions, either public or secret, could hardly be known. Le Croc plainly supposes that the discord between the King and Queen was the cause of his absence from the baptism, and his account of this matter is that which I have followed. Keith, Pref. vii. 4. He informs his court, that on account of the difference betwixt the King and the Queen, he had refused to hold any further correspondence with the former, though he appears, in many instances, to have been his great confidant. Ibid. 5. As the King was not present at the baptism, he seems to have been excluded from any share in the ordinary administration of business. Two acts of privy council, one on the 20th, and the other on the 21st of December, are found in Keith, 562. They both run in the Queen's name alone. The King seems not to have been present. This could not be owing to Elizabeth's instructions to Bedford.

might afford her. Nothing was now demanded of Mary, but to renounce any title to the crown of England during Elizabeth's life and the lives of her posterity; who, on the other hand, engaged to take no step which might prove injurious to Mary's claim upon the succession⁶⁹.

Mary could not with decency reject a proposition so equitable; she insisted, however, that Elizabeth should order the right upon which she claimed, to be legally examined, and publicly recognised, and particularly that the testament of Henry VIII., whereby he had excluded the descendants of his eldest sister the Queen of Scotland, from the place due to them in the order of succession, might be produced, and considered by the English nobility. Mary's ministers had credulously embraced an opinion, that this testament, which they so justly conceived to be injurious to their mistress, was a mere forgery; and on different occasions had urged Elizabeth to produce it. Mary would have suffered considerably by gaining this point. The original testament is still extant, and not the least doubt can be entertained of its genuineness and authenticity. But it was not Elizabeth's intention to weaken or to set aside the title of the house of Stuart. She aimed at nothing more than to keep the question concerning the succession perplexed and undecided; and by industriously eluding this request, she did, in one respect, real service to Mary's cause⁷⁰.

A few days after the baptism of the Prince, Morton and all the other conspirators against Rizio obtained their pardon, and leave to return into Scotland. Mary, who had hitherto continued inexorable to every treaty in their behalf, yielded at last to the solicitations of Bothwell⁷¹. He could hope

⁶⁹ Keith, 356.

⁷⁰ Rymer, xv. p. 110. Keith, 358. Note (c). Murden, 368.

⁷¹ Good. vol. i. 140. Melv. 154.

for no success in those bold designs on which his ambition resolved to venture, without drawing aid from every quarter. By procuring a favour for Morton and his associates, of which they had good reason to despair, he expected to secure a band of faithful and determined adherents.

The King still remained at Stirling in solitude and under contempt. His impatience in this situation, together with the alarm given him by the rumour of a design to seize his person and confine him in prison⁷², was the occasion of his leaving that place in an abrupt manner, and retiring to his father at Glasgow.

Two assemblies of the church were held during this year [June 25, Dec. 25]. New complaints were made, and upon good grounds, of the poverty and contempt under which the Protestant clergy were suffered to languish. Penurious as the allotment for their subsistence was, they had not received the least part of what was due for the preceding year⁷³. Nothing less than a zeal ready to endure and to suffer every thing for a good cause, could have persuaded men to adhere to a church so indigent and so neglected. The extraordinary expenses occasioned by the Prince's baptism had exhausted the Queen's treasury, and the sums appropriated for the subsistence of the clergy were diverted into other channels. The Queen was therefore obliged to prevent the just remonstrances of the assembly, by falling on some new method for the relief of the church. Some symptoms of liberality, some stretch towards munificence, might have been expected in an assignment which was made with an intention of soothing and silencing the clergy. But both the Queen and the nobles held fast the riches of the church which they had seized. A sum which, at the highest computation, can hardly be reckoned

⁷² Keith, Pref. viii.

⁷³ Ibid. 562.

equal to nine thousand pounds sterling⁷⁴, was deemed sufficient for the maintenance of a whole national church, by men who had lately seen single monasteries possessed of revenues far superior in value.

The ecclesiastics in that age bore the grievances which affected themselves alone with astonishing patience; but, wherever the reformed religion was threatened, they were extremely apt to be alarmed, and to proclaim, in the loudest manner, their apprehensions of danger. A just occasion of this kind was given them a short time before the meeting of the assembly. The usurped and oppressive jurisdiction of the spiritual courts had been abolished by the Parliament in the year 1560, and commissaries were appointed to hear and determine the causes which formerly came under their cognizance⁷⁵. Among the few acts of that Parliament to which Mary had paid any regard, this was one. She had confirmed the authority of the commissaries, and had given them instructions for directing their proceedings⁷⁶, which are still of great authority in that court. From the time of their first appointment, these judges had continued in the uninterrupted exercise of their function, when of a sudden the Queen issued a proclamation, restoring the Archbishop of St. Andrew's to his ancient jurisdiction, and depriving the commissaries of all authority⁷⁷.

A motive, which cannot be justified, rendered the Queen not unwilling to venture upon this rash action. She had been contriving for some time how to reestablish the Popish religion; and the restoring the ancient ecclesiastics to their former jurisdiction seemed to be a considerable step towards that end. The motive which prompted Bothwell, to whose influence over the Queen this action must be chiefly

⁷⁴ Keith, 562.

⁷⁶ Ibid. 251.

⁷⁵ Ibid. 152.

⁷⁷ Knox, 403.

imputed⁷⁸, was still more criminal. His enterprising ambition had already formed that bold design, which he soon after put in execution; and the use which we shall hereafter find him making of that authority which the Popish ecclesiastics regained, discovers the reasons of his present conduct in contributing to revive their power. The Protestant clergy were not unconcerned spectators of an event which threatened their religion with unavoidable destruction; but, as they despaired of obtaining the proper remedy from the Queen herself, they addressed a remonstrance to the whole body of the Protestant nobility, full of that ardent zeal for religion, which the danger to which it was exposed at that time seemed to require⁷⁹. What effects this vehement exhortation might have produced, we have no opportunity of judging, the attention of the nation being quickly turned towards events of another and more tragical nature.

1567.] Immediately upon the King's leaving Stirling, and before he could reach Glasgow, he was seized with a dangerous distemper. The symptoms which attended it were violent and unusual, and in that age it was commonly imputed to the effects of poison⁸⁰. It is impossible, amidst the contradictions of historians, to decide with certainty concerning its nature or its cause⁸¹. His life was in the utmost

⁷⁸ Knox, 403. ⁷⁹ Keith, 567. ⁸⁰ Melv. 154. Knox, 401.

⁸¹ Buchanan and Knox are positive that the King had been poisoned. They mention the black and putrid pustules which broke out all over his body. Buchanan adds, that Abernethy, the King's physician, plainly declared that poison was the cause of these symptoms, and that the Queen refused to allow her own physician to attend him. Buch. 349. Knox, 401. 2 Blackwood, Causin, &c. Jebb. vol. ii. 59. 214, assert that the small-pox was the disease with which the King was seized. He is called a *Pockish man* in the Queen's letter. Good, vol. ii. 15. The reason given by *French Paris* for lodging the King at the Kirk of Field, viz. lest the young Prince should catch the infection if he staid in

danger; but, after lingering for some weeks, the vigour of his constitution surmounted the malignity of his disease.

Mary's neglect of the King on this occasion was equal to that with which he had treated her during her illness at Jedburgh. She no longer felt that warmth of conjugal affection which prompts to sympathy, and delights in all those tender offices which sooth and alleviate sickness and pain. At this juncture, she did not even put on the appearance of this passion. Notwithstanding the King's danger, she amused herself with excursions to different parts of the country, and suffered near a month to elapse before she visited him at Glasgow. By that time the violence of the distemper was over, and the King, though weak and languishing, was out of all danger.

The breach between Mary and her husband was not occasioned by any of those slight disgusts which interrupt the domestic union, without dissolving it altogether. Almost all the passions which operate with greatest violence on a female mind, and drive it to the most dangerous extremes, concurred in raising and fomenting this unhappy quarrel. Ingratitude for the favours she had bestowed, contempt of her person, violations of the marriage-vow, encroachments on her power, conspiracies against her favourites, jealousy, insolence, and obstinacy, were

the palace, seems to favour this opinion. Anders. vol. ii. 193. Carte mentions it as a proof of Mary's tenderness to her husband, that though she never had the small-pox herself, she ventured to attend him, vol. iii. 446. This, if it had been true, would have afforded a good pretence for not visiting him sooner; but Mary had the small-pox in her infancy. Sadler's Letters, p. 330. An additional proof of this is produced from a poem of Adrian Turnebus, by the publisher of ancient Scottish poems, p. 308. 3. Bishop Lesley affirms that the King's disease was the French pox. Keith, 364. Note (b). In that age, this disease was esteemed so contagious that persons infected with it were removed without the walls of cities,

the injuries of which Mary had great reason to complain. She felt them with the utmost sensibility; and, added to the anguish of disappointed love, they produced those symptoms of despair which we have already described. Her resentment against the King seems not to have abated from the time of his leaving Stirling. In a letter written with her own hand to her ambassador in France, on the day before she set out for Glasgow, no tokens of sudden reconciliation appear. On the contrary [Jan. 20], she mentions, with some bitterness, the King's ingratitude, the jealousy with which he observed her actions, and the inclination he discovered to disturb her government; and at the same time talks of all his attempts with the utmost scorn⁸².

After this discovery of Mary's sentiments, at the time of her departure from Edinburgh to Glasgow, a visit to the King, which had been neglected when his situation rendered it most necessary, appears singular; and it could hardly be expected that any thing but marks of jealousy and distrust should appear in such an interview. This, however, was far from being the case: she not only visited Henry, but, by all her words and actions, endeavoured to express an uncommon affection for him: and though this made impression on the credulous spirit of her husband, no less flexible on some occasions than obstinate on others; yet to those who are acquainted with the human heart, and who know how seldom and how slowly such wounds in domestic happiness are healed, this sudden transition will appear with a very suspicious air, and will be considered by them as the effect of artifice.

But it is not on suspicion alone that Mary is charged with dissimulation in this part of her conduct. Two of her famous letters to Bothwell were written during her stay at Glasgow, and fully lay

⁸² Keith, Pref. viii.

open this scene of iniquity. He had so far succeeded in his ambitious and criminal design, as to gain an absolute ascendant over the Queen; and, in a situation such as Mary's, merit not so conspicuous, services of far inferior importance, and address much less insinuating than Bothwell's, may be supposed to steal imperceptibly on a female heart, and entirely to overcome it. Unhappily, among those in the higher ranks of life, scruples with regard to conjugal fidelity are, often, neither many nor strong: nor did the manners of that court in which Mary had been educated contribute to increase or to fortify them. The amorous turn of Francis I. and Henry II., the licentiousness of the military character in that age, and the liberty of appearing in all companies, which began to be allowed to women, who had not yet acquired that delicacy of sentiment and those polished manners which alone can render this liberty innocent, had introduced among the French an astonishing relaxation in domestic morals. Such examples, which were familiar to Mary from her infancy, could hardly fail of diminishing that horror of vice which is natural to a virtuous mind. The King's behaviour would render the first approach of forbidden sentiments less shocking; resentment and disappointed love would be apt to represent whatever soothed her revenge as justifiable on that account; and so many concurring causes might, almost imperceptibly, kindle a new passion in her heart.

But, whatever opinion we may form with regard to the rise and progress of this passion, the letters themselves breathe all the ardour and tenderness of love. The affection which Mary there expresses for Bothwell, fully accounts for every subsequent part of her conduct; which, without admitting this circumstance, appears altogether mysterious, inconsistent, and inexplicable. That reconciliation with her husband, of which, if we allow it to be genuine,

it is impossible to give any plausible account, is discovered, by the Queen's own confession, to have been mere artifice and deceit. As her aversion for her husband, and the suspicious attention with which she observed his conduct, became universally known, her ears were officiously filled, as is usual in such cases, with groundless or aggravated accounts of his actions. By some she was told, that the King intended to seize the person of the Prince his son, and in his name to usurp the government; by others she was assured that he resolved instantly to leave the kingdom; that a vessel was hired for this purpose, and lay in the river Clyde ready to receive him⁸³. The last was what Mary chiefly dreaded. Henry's retiring into a foreign country must have been highly dishonourable to the Queen, and would have entirely disconcerted Bothwell's measures. While he resided at Glasgow, at a distance from her, and in that part of the kingdom where the interest of his family was greatest, he might with more facility accomplish his designs. In order, therefore, to prevent his executing any such wild scheme, it was necessary to bring him to some place where he would be more immediately under her own eye. For this purpose, she first employed all her art to regain his confidence, and then proposed to remove him to the neighbourhood of Edinburgh, under pretence that there he would have easier access to the advice of physicians, and that she herself could attend him without being absent from her son⁸⁴. The King was weak enough to suffer himself to be persuaded; and, being still feeble and incapable of bearing fatigue, was carried in a litter to Edinburgh.

The place prepared for his reception was a house belonging to the provost of a collegiate church, called Kirk of Field. It stood almost upon the same spot where the house belonging to the princi-

⁸³ Keith, Pref. viii.

⁸⁴ Good. vol. ii. S.

pal of the university now stands. Such a situation, on a rising ground, and at that time in an open field, had all the advantages of healthful air to recommend it; but, on the other hand, the solitude of the place rendered it extremely proper for the commission of that crime, with a view to which it seems manifestly to have been chosen.

Mary continued to attend the King with the most assiduous care. She seldom was absent from him through the day; she slept two nights in the chamber under his apartment. She heaped on him so many marks of tenderness and confidence, as in a great measure quieted those suspicions which had so long disturbed him. But while he was fondly indulging in dreams of the return of his former happiness, he stood on the very brink of destruction. On Sunday, the 9th of February, about eleven at night, the Queen left the Kirk of Field, in order to be present at a masque in the palace. At two next morning, the house in which the King lay was blown up with gunpowder. The noise and shock which this sudden explosion occasioned alarmed the whole city. The inhabitants ran to the place whence it came. The dead body of the King, with that of a servant who slept in the same room, was found lying in an adjacent garden without the city wall, untouched by fire, and with no bruise or mark of violence.

Such was the unhappy fate of Henry Stuart Lord Darnly, in the twenty-first year of his age. The indulgence of fortune, and his own external accomplishments, without any other merit, had raised him to a height of dignity of which he was altogether unworthy. By his folly and ingratitude, he lost the heart of a woman who doted on him to distraction. His insolence and inconstancy alienated from him such of the nobles as had contributed most zealously towards his elevation. His levity and caprice exposed

him to the scorn of the people, who once revered him as the descendant of their ancient Kings and heroes. Had he died a natural death, his end would have been unlamented, and his memory have been forgotten; but the cruel circumstances of his murder, and the shameful remissness in neglecting to avenge it, have made his name to be remembered with regret, and have rendered him the object of pity, to which he had otherwise no title.

Every one's imagination was at work to guess who had contrived and executed this execrable deed. The suspicion fell, with almost general consent, on Bothwell⁸⁵; and some reflections were thrown out, as if the Queen herself were no stranger to the crime. Of Bothwell's guilt there remains the fullest evidence that the nature of the action will admit. The Queen's known sentiments with regard to her husband gave a great appearance of probability to the imputation with which she was loaded⁸⁶.

Two days after the murder, a proclamation was issued by the Queen, offering a considerable reward to any person who should discover those who had been guilty of such a horrid and detestable crime⁸⁷; and though Bothwell was now one of the greatest subjects in the kingdom, formidable on account of his own power, and protected by the Queen's favour, it was impossible to suppress the sentiments and indignation of the people. Papers were affixed to the most public places of the city, accusing him of the murder, and naming his accomplices; pictures appeared to the same purpose; and voices were heard in the middle of the night, charging him with that barbarous action. But the authors of these rumours did not confine their accusations to Both-

⁸⁵ Melv. 155. Anders. vol. ii. 156.

⁸⁶ See Dissertation concerning the murder of Henry Darnly, and the genuineness of Mary's letters to Bothwell, Appendix.

⁸⁷ Anders. vol. i. 36.

well alone; they insinuated that the Queen herself was accessory to the crime⁸⁸. This bold accusation, which so directly attacked Mary's reputation, drew the attention of her council; and, by engaging them in an inquiry after the authors of these libels, diverted them from searching for the murderers of the King⁸⁹. It could scarce be expected that Mary herself would be extremely solicitous to discover those who had rid her of a husband whom she had so violently hated. It was Bothwell's interest, who had the supreme direction of this, as well as of all other affairs, to stifle and suppress whatever evidence should be offered, and to cover, if possible, the whole transaction under the veil of darkness and of silence. Some inquiry, however, was made, and some persons called before the council; but the examination was conducted with the most indecent remissness, and in such a manner as to let in no light upon that scene of guilt⁹⁰.

It was not her own subjects alone who suspected Mary of having been accessory to this unnatural crime; nor did an opinion so dishonourable to her character owe its rise and progress to the jealousy and malice of her factious nobles. The report of the manner and circumstances of the King's murder spread quickly over all Europe; and even in that age, which was accustomed to deeds of violence, it excited universal horror. As her unhappy breach with her husband had long been matter of public discourse, the first conjectures which were formed with regard to his death, were extremely to her disadvantage. Her friends, at a loss what apology to offer for her conduct, called on her to prosecute the murderers with the utmost diligence, and expected that the rigour of her proceedings would prove the best and fullest vindication of her innocence⁹¹.

⁸⁸ Anders. vol. ii. 156.

⁸⁹ Id. vol. i. 38.

⁹⁰ Id. vol. iv. part ii. 167, 168.

⁹¹ Keith, Pref. ix.

Lennox at the same time incited Mary to vengeance with incessant importunity. This nobleman had shared in his son's disgrace, and being treated by Mary with neglect, usually resided at a distance from court. Roused, however, by an event no less shocking to the heart of a father, than fatal to all his schemes of ambition, he ventured to write to the Queen [Feb. 21], and to offer his advice with respect to the most effectual method for discovering and convicting those who had so cruelly deprived him of a son, and her of a husband. He urged her to prosecute those who were guilty with vigour, and to bring them to a speedy trial; he declared his own suspicion of Bothwell, and of those who were named as his accomplices; he required that, out of regard to decency, and in order to encourage evidence to appear against them, the persons accused of such an atrocious crime should be committed to custody, or at least excluded from her court and presence⁹².

Mary was then at Seaton, whither she had retired after the burial of the King, whose body was deposited among the monarchs of Scotland in a private but decent manner⁹³. The former part of the Earl's demand could not on any pretence be eluded; and it was resolved to bring Bothwell immediately to trial. But, instead of confining him to any prison, Mary admitted him into all her councils, and allowed a person, universally reputed the murderer of her husband, to enjoy all the security, the dignity, and the power of a favourite⁹⁴. The offices which Bothwell already possessed, gave him the command of all the south of Scotland. The castle of Edinburgh, however, was a place of so much consequence that he wished earnestly to have it in his own power. The Queen, in order to prevail on the Earl of Mar to surrender it, consented to put the person of the

⁹² Keith, 369, &c.

⁹³ Anders. vol. i. 23.

⁹⁴ Anders. vol. i. 40, &c.

young Prince in his hands [March 19], and immediately bestowed the government of that important fortress upon Bothwell⁹⁵. So many steps in her conduct inconsistent with all the rules of prudence and of decency, must be imputed to an excess either of folly or of love. Mary's known character fully vindicates her from the former; of the latter, many and striking proofs soon appeared.

No direct evidence had yet appeared against Bothwell; but as time might bring to light the circumstances of a crime in which so many accomplices were concerned, it was of great importance to hurry over the trial, while nothing more than general suspicions, and uncertain surmises, could be produced by his accusers. For this reason, in a meeting of privy council held on the 28th of March, the 12th of April was appointed for the day of trial. Though the law allowed, and the manner in which criminal causes were carried on in that age required, a much longer interval, it appears from several circumstances that this short space was considerably contracted, and that Lennox had only eleven days' warning to prepare for accusing a person so far superior to himself both in power and in favour⁹⁶. No man could be less in a condition to contend with an antagonist who was thus supported. Though Lennox's paternal estate had been restored to him when he was recalled into Scotland, it seems to have been

⁹⁵ Anders. vol. i. Pref. lxiv. Keith, 379.

⁹⁶ The act of privy council, appointing the day of Bothwell's trial, bears date March the 28th, which happened on a Thursday. Anders. vol. i. 50. The Queen's warrant to the *messengers*, empowering them to summon Lennox to be present, is dated on the 29th. Anders. vol. ii. 97. He was summoned by public proclamation at the cross of Edinburgh on the same day. Ibid. 100. He was summoned at his dwelling-houses in Glasgow and Dumbarton on the 30th of March, the 1st and 2d days of April. Ibid. 101. He was summoned at Perth, April 1st. Ibid. 102. Though Lennox resided at that time forty miles from Edinburgh,

considerably impaired during his banishment. His vassals, while he resided in England, had been accustomed to some degree of independence, and he had not recovered that ascendant over them which a feudal chief usually possessed. He had no reason to expect the concurrence of any of those factions into which the nobles were divided. During the short period of his son's prosperity, he had taken such steps as gave rise to an open breach with Murray and all his adherents. The partisans of the house of Hamilton were his hereditary and mortal enemies. Huntly was linked in the closest confederacy with Bothwell; and thus, to the disgrace of the nation, Lennox stood alone in a cause where both honour and humanity called so loudly on his countrymen to second him.

It is remarkable too, that Bothwell himself was present, and sat as a member in that meeting of privy council which gave directions with regard to the time and manner of his own trial; and he still enjoyed not only full liberty, but was received into the Queen's presence with the same distinguished familiarity as formerly⁹⁷.

Nothing could be a more cruel disappointment to the wishes and resentment of a father than such a premature trial; every step towards which seemed to be taken by directions from the person who was himself accused of the crime, and calculated on

the citation might have been given him sooner. Such an unnecessary delay affords some cause for suspicion. It is true, Mary, in her letter, March 24th, invited Lennox to come to Edinburgh the ensuing week; this gave him warning some days sooner, that she intended to bring on the trial without delay. But the precise time could not be legally or certainly known to Lennox sooner than ten or twelve days before the day on which he was required to appear. By the law and practice of Scotland, at that time, parties were summoned, in cases of treason, forty days previous to the trial.

⁹⁷ Anders. vol. i. 50. 52.

purpose to conceal rather than to detect his guilt. Lennox foresaw what would be the issue of this mock inquiry, and with how little safety to himself, or success to his cause, he could venture to appear on the day prefixed. In his former letters, though under expressions the most respectful, some symptoms of his distrusting the Queen may be discovered. He spoke out now in plain language. He complained of the injury done him, by hurrying on the trial with such illegal precipitation. He represented once more the indecency of allowing Bothwell not only to enjoy personal liberty, but to retain his former influence over her councils. He again required her, as she regarded her own honour, to give some evidence of her sincerity in prosecuting the murderer, by confining the person who was on good grounds suspected to be the author of it; and, till that were done, he signified his own resolution not to be present at a trial, the manner and circumstances of which were so irregular and unsatisfactory⁹⁸.

He seems, however, to have expected little success from this application to Mary; and therefore at the same time besought Elizabeth to interpose, in order to obtain such a delay as he demanded⁹⁹. Nothing can be a stronger proof how violently he suspected the one Queen than his submitting to implore the aid of the other, who had treated his son with the utmost contempt, and himself and family with the greatest rigour. Elizabeth, who was never unwilling to interpose in the affairs of Scotland, wrote instantly to Mary, advised her to delay the trial for some time, and urged in such strong terms the same arguments which Lennox had used, as might have convinced her to what an unfavourable construction her conduct would be liable, if she persisted in her present method of proceeding¹⁰⁰.

⁹⁸ Anders. vol. i. 52.

⁹⁹ Good. vol. ii. 352.

¹⁰⁰ Anders. Pref. 60. See Appendix, No. XIX.

Neither her entreaties, however, nor those of Lennox could prevail to have the trial put off. On the day appointed Bothwell appeared, but with such a formidable retinue, that it would have been dangerous to condemn, and impossible to punish him. Besides a numerous body of his friends and vassals, assembled, according to custom, from different parts of the kingdom, he was attended by a band of hired soldiers, who marched with flying colours along the streets of Edinburgh¹. A court of justice was held with the accustomed formalities. An indictment was presented against Bothwell, and Lennox was called upon to make good his accusation. In his name appeared Robert Cunningham, one of his dependants. He excused his master's absence, on account of the shortness of the time, which prevented his assembling his friends and vassals, without whose assistance he could not with safety venture to set himself in opposition to such a powerful antagonist. For this reason, he desired the court to stop proceeding, and protested, that any sentence which should be passed at that time ought to be deemed illegal and void. Bothwell, on the other hand, insisted that the court should instantly proceed to trial. One of Lennox's own letters, in which he craved of the Queen to prosecute the murderers without delay, was produced. Cunningham's objections were overruled; and the jury, consisting of peers and barons of the first rank, found Bothwell not guilty of the crime.

No person appeared as an accuser, not a single witness was examined, nor any evidence produced against him. The jury, under these circumstances, could do nothing else but acquit him. Their verdict, however, was far from gratifying the wishes or silencing the murmurs of the people. Every circumstance in the trial gave grounds for suspicion, and

¹ Anders, vol. i. 135.

excited indignation ; and the judgment pronounced, instead of being a proof of Bothwell's innocence, was esteemed an argument of his guilt. Pasquinades and libels were affixed to different places, expressing the sentiments of the public with the utmost virulence of language.

The jury themselves seem to have been aware of the censure to which their proceedings would be exposed ; and, at the same time that they returned their verdict acquitting Bothwell, the Earl of Caithness protested, in their name, that no crime should be imputed to them on that account, because no accuser had appeared, and no proof was brought of the indictment. He took notice likewise, that the 9th instead of the 10th of February was mentioned in the indictment, as the day on which the murder had been committed : a circumstance which discovers the extreme inaccuracy of those who prepared the indictment ; and at a time when men were disposed, and not without reason, to be suspicious of every thing, this small matter contributed to confirm and to increase their suspicions².

Even Bothwell himself did not rely on the judgment which he had obtained in his favour as a full vindication of his innocence. Immediately after his acquittal, he, in compliance with a custom which was not then obsolete, published a writing, in which he offered to fight in single combat any gentleman of good fame, who should presume to accuse him of being accessory to the murder of the King.

Mary, however, continued to treat him as if he had been cleared by the most unexceptionable and satisfactory evidence. The ascendant he had gained over her heart, as well as over her councils, was more visible than ever ; and Lennox, who could not expect that his own person could be safe in a country where the murderer of his son had been

² Bothw. Trial, Anders. vol. ii. 97, &c.

absolved without regard to justice, and loaded with honours in contempt of decency, fled with precipitation towards England³.

Two days after the trial [April 14], a parliament was held, at the opening of which the Queen distinguished Bothwell, by appointing him to carry the sceptre before her⁴. Most of the acts passed in this assembly were calculated on purpose to strengthen his party, and to promote his designs. He obtained the ratification of all the possessions and honours which the partiality of the Queen had conferred upon him; and the act to that effect contained the strongest declarations of his faithful services to the crown in all times past. The surrender of the castle of Edinburgh by Mar was confirmed. The law of attainder against Huntly was repealed, and he and his adherents were restored to the estates and honours of their ancestors. Several of those who had been on the jury which acquitted Bothwell obtained ratifications of the grants made in their favour; and, as pasquinades daily multiplied, a law passed whereby those into whose hands any paper of that kind fell, were commanded instantly to destroy it; and if, through their neglect, it should be allowed to spread, they were subjected to a capital punishment, in the same manner as if they had been the original authors⁵.

But the absolute dominion which Bothwell had acquired over Mary's mind appeared in the clearest manner, by an act in favour of the Protestant religion, to which at this time she gave her assent. Mary's attachment to the Romish faith was uniform and superstitious; she had never laid aside the design, nor lost the hopes, of restoring it. She had of late come under new engagements to that purpose, and in consequence of these had ventured upon some steps more public and vigorous than any she had

³ Keith, 378. Note (*d*).

⁴ Id. Ibid.

⁵ Ibid. 380.

formerly taken. But though none of these circumstances were unknown to Bothwell, there were powerful motives which prompted him at this juncture to conciliate the good will of the Protestants, by exerting himself in order to procure for them some additional security in the exercise of their religion. That which they enjoyed at present was very precarious, being founded entirely on the royal proclamation issued soon after the arrival of the Queen in Scotland, which in express terms was declared to be only a temporary regulation. From that period, neither the solicitations of the general assemblies of the church, nor the entreaties of her people, could extort from Mary any concession in favour of the Protestant religion, on which the professors might rest with greater confidence. This, however, by the more powerful influence of Bothwell, they now obtained. An act was passed in this Parliament, repealing all the laws, canon, civil, and municipal, adverse to the reformed religion, and exempting such as had embraced it from the penalties to which they might have been subjected by these laws, either on account of their past conduct or present profession; declaring at the same time that their persons, estates, honours, and benefices, were taken under public protection against every court, civil or ecclesiastical, that might attempt to molest them on account of their religious sentiments. Thus the Protestants, instead of holding their sacred rights by no better tenure than a declaration of royal indulgence, which might be revoked at pleasure, obtained legal and parliamentary protection in the exercise of their religion. By prevailing on the Queen to assent to this law, Bothwell seems to have flattered himself that he would acquire such merit, both with the clergy and with the people, as might induce them to favour his ambitious schemes, and to connive at what he had done, or might do, in

order to accomplish them. The Protestants accordingly, though this act was far from amounting to a legal establishment of the reformed faith, seem to have considered it as an additional security of such importance that it was published among the laws enacted in a Parliament held towards the close of this year, under very different leaders⁶.

⁶ I am indebted to the accuracy of Sir David Dalrymple, for pointing out (*Remarks on the History of Scotland*, ch. 9), a considerable error into which I had fallen with respect to this act, by supposing it to be so favourable to the doctrine of the Reformation that the Parliament, which met Dec. 15, could substitute nothing stronger or more explicit in its place, and thought it sufficient to ratify it word for word. 'This error I have now corrected; but, after considering the act with particular attention, though I am satisfied that it neither established the reformed religion as the religion of the state, nor abolished popery, yet it granted such new and legal security to the Protestants, as was deemed, in that age, an acquisition of great value. The framers of the law seem manifestly to have viewed it in that light. After reciting, "that the Queen, since her arrival, had attempted nothing contrary to the state of religion which she found publicly and universally standing, on which account she was most worthy to be served, honoured, and obeyed, &c."—the act goes on, "that as she intends to continue the same goodness and government in all times coming, the professors of the religion aforesaid may and shall have occasion to praise God for her happy and gracious government, &c.: and to effect that, the professors of the religion aforesaid may assure themselves to be in full surety thereof, and of their lands, lives, &c. and may with the better will jeopard and hazard their lives and goods in Her Highness's service, against all enemies to her, and to the commonweal of this realm, &c. therefore our sovereign, with the advice of the whole estates in parliament, &c." then follow the statutory clauses mentioned in the text. The intention of passing the act is apparent, and it is drawn with great art. This art is peculiarly manifest in the concluding clause. In her first proclamation the Queen had declared, that it should continue in force only until she should take final order concerning religion with the advice of Parliament. In this act the intention of taking further order concerning religion is mentioned, probably with a view to please the Queen; but it is worded with such studied dexterity, that the protection granted by this law is no longer to be regarded as temporary, or depending upon the Queen taking such final order.

Every step taken by Bothwell had hitherto been attended with all the success which his most sanguine wishes could expect. He had entirely gained the Queen's heart; the murder of the King had excited no public commotion; he had been acquitted by his peers of any share in that crime; and their decision had been in some sort ratified in parliament. But in a kingdom where the regal authority was so extremely limited, and the power of the nobles so formidable, he durst not venture on the last action, towards which all his ambitious projects tended, without their approbation. In order to secure this, he immediately after the dissolution of parliament [April 19], invited all the nobles who were present to an entertainment. Having filled the house with his friends and dependants, and surrounded it with

Parl. 1. K. Ja. VI. c. 31. In the same light of an important acquisition of security to the reformed religion, this act is represented by the privy council in a proclamation issued May 23, 1567. Keith, 571. Mary's principal adherents, in a paper subscribed by them, Sept. 12, 1568, declare, that she, "by the advice of the three estates, had satisfied the desire of the whole nobility in an act concerning all the points of religion passed in the parliament held April, 1567." Goodall, ii. 357. The same is asserted to be the intention and effect of this act in another public paper in the year 1570. Haynes, 621. This act is perfectly conformable to that system of policy by which Bothwell seems to have regulated his conduct both before and after this time, with a view of gaining the Protestants, particularly the clergy, by acts of indulgence and favour. On the 3d of October, 1566, when Bothwell's credit was very considerable, the Queen, in a meeting of privy council, where he was present, took measures for securing to the Protestant clergy more regular payment of their stipends; and on the 20th of December of that year, granted an assignation of a considerable sum to be applied for the support of the ministry. Keith, 360, 361, 362. In a meeting of privy council, Jan. 10, 1567, when all public transactions were entirely conducted by Bothwell, an act was passed in order to provide for the sustentation of ministers in boroughs, and Bothwell is named as one of the commissioners for carrying it into execution, with power to impose a tax on such boroughs as had no ministers, for raising a stipend. Keith, 570. In another

armed men⁷, he opened to the company his intention of marrying the Queen, whose consent, he told them, he had already obtained; and demanded their approbation of this match, which, he said, was no less acceptable to their sovereign than honourable to himself⁸. Huntly and Seaton, who were privy to all Bothwell's schemes, promoted them with the utmost zeal; and the popish ecclesiastics, who were absolutely devoted to the Queen, and ready to sooth her passions, instantly declared their satisfaction with what he had proposed. The rest, who dreaded the exorbitant power which Bothwell had acquired, and observed the Queen's growing affection towards him in all her actions, were willing to make a merit of yielding to a measure which they could neither oppose nor defeat. Some few were confounded and enraged. But in the end Bothwell, partly by promises and flattery, partly by

meeting of privy council, May 23, 1557, the Queen, after mentioning the declaration which she had made in the year 1561, of her resolution to maintain that religion which she found established in the kingdom, and after taking notice of what additional security it had acquired by the late act of April 19, with a view of giving still further satisfaction to the Protestants, she declared that all licences which had been obtained from her by any persons, permitting them to exercise the rights of popish worship, were now revoked and annulled. Keith, 570—572. It deserves to be remarked, that, favourable as all these acts were to the Reformation, some bishops, *whose ardent zeal for the old doctrines history records*, were present in those meetings of privy council in which they were passed. From considering all these particulars, one need not wonder that a law “anent cassing (as its title bears), annulling, and abrogating of all laws, acts, and constitutions, conone, civile, and municipal, with other constitutions, contrare to the religion now professit within the realme,” confirmed by the royal assent of the Queen, should be published among the statutes securing the Protestant religion. We find accordingly, in a very rare edition of the acts of parliament, imprintit at Edinburgh by Robert Lekprevik, printar to the King's majestie, 6 day of April, 1568, the act of April 19, inserted among the acts of the Regent's parliament in December.

⁷ Good. vol. ii. 141.

⁸ Anders. vol. i. 94.

terror and force, prevailed on all who were present to subscribe a paper which leaves a deeper stain than any occurrence in that age on the honour and character of the nation.

This paper contained the strongest declarations of Bothwell's innocence, and the most ample acknowledgment of his good services to the kingdom. If any future accusation should be brought against him on account of the King's murder, the subscribers promised to stand by him as one man, and to hazard their lives and fortunes in his defence. They recommended him to the Queen as the most proper person she could choose for a husband: and if she should condescend to bestow on him that mark of her regard, they undertook to promote the marriage, and to join him with all their forces in opposing any person who endeavoured to obstruct it⁹. Among the subscribers of this paper we find some who were the Queen's chief confidants, others who were strangers to her counsels, and obnoxious to her displeasure; some who faithfully adhered to her through all the vicissitudes of her fortune, and others who became the principal authors of her sufferings; some passionately attached to the Romish superstition, and others zealous advocates for the Protestant faith¹⁰. No common interest can be supposed to have united men of such opposite principles and parties, in recommending to their sovereign a step so injurious to her honour, and so fatal to her peace. This strange coalition was the effect of much artifice, and must be considered as the boldest and most masterly stroke of Bothwell's address. It is observable, that amidst all the altercations and mutual reproaches of the two parties which arose in the kingdom, this unworthy transaction is seldom mentioned. Conscious on both sides, that in this particular their conduct could ill bear examination, and would

⁹ Anders. vol. i. 177.

¹⁰ Keith, 382.

redound little to their fame, they always touch upon it unwillingly, and with a tender hand, seeming desirous that it should remain in darkness, or be buried in oblivion. But as so many persons who, both at that time and ever after, possessed the Queen's favour, subscribed this paper, the suspicion becomes strong, that Bothwell's ambitious hopes were neither unknown to Mary, nor disapproved by her ¹¹.

These suspicions are confirmed by the most direct proof. Melvil at that time enjoyed a considerable share in her favour. He, as well as his brother,

¹¹ Of all the different systems with regard to this transaction, that of Camden seems to be the least accurate, and the worst founded. He supposes that Bothwell was hated by Murray, Morton, &c. who had been his associates in the murder of the King, and that they now wanted to ruin him. He affirms, at the same time, that the subscriptions to this paper were obtained by them out of fear that Bothwell might sink in his hopes, and betray the whole bloody secret, 404. But besides the absurdity of supposing that any man's enemies would contribute towards raising him to such high dignity, on the uncertain hopes of being able afterwards to deprive him of it; besides the impossibility of accomplishing such a marriage, if it had been either unknown to the Queen, or disagreeable to her; we may observe that this supposition is destroyed by the direct testimony of the Queen herself, who ascribes the consent of the nobles to Bothwell's artifices, *who purchased it by giving them to understand that we were content therewith*. Anders. vol. i. 94. 99. It would have been no small advantage to Mary, if she could have represented the consent of the nobles to have been their own voluntary deed. It is still more surprising to find Lesley ascribing this paper to Murray and his faction. Anders. vol. i. 26. The Bishop himself was one of the persons who subscribed it. Keith, 383. The King's commissioners, at the conference held at York, 1568, pretended that none of the nobles, except the Earl of Huntly, would subscribe this paper till a warrant from the Queen was produced, by which they were allowed to do so; this warrant they had in their custody, and exhibited. Anders. vol. iv. part 2. 5. This differs from Buchanan's account, who supposes that all the nobles present subscribed the paper on the 19th, and the next day they obtained the approbation of what they had done, by way of security to themselves, 355.

kept a secret correspondence in England with those who favoured her pretensions to that crown. The rumour of her intended marriage with Bothwell, having spread early in that kingdom, excited universal indignation; and Melvil received a letter from thence, which represented, in the strongest terms, what would be the fatal effects of such an imprudent step. He put this letter into the Queen's hands, and enforced it with the utmost warmth. She not only disregarded those remonstrances, but communicated the matter to Bothwell; and Melvil, in order to save his life, was obliged to fly from court, whither he durst not return till the Earl's rage began to abate¹². At the same time Elizabeth warned Mary of the danger and infamy to which she would expose herself by such an indecent choice: but an advice from her met with still less regard¹³.

Three days after the rising of Parliament, Mary went from Edinburgh to Stirling, in order to visit the Prince her son. Bothwell had now brought his

¹² Melv. 156. According to Melvil, Lord Herries likewise remonstrated against the marriage, and conjured the Queen on his knees, to lay aside all thoughts of such a dishonourable alliance, 156. But it has been observed that Herries is one of the nobles who subscribed the bond, April 19. Keith, 383. 2. That he is one of the witnesses to the marriage articles between the Queen and Bothwell, May 14. Good. vol. ii. 61. 3. That he sat in council with Bothwell, May 17. Keith, 386. But this remonstrance of Lord Herries against the marriage happened before those made by Melvil himself, 157. Melvil's remonstrance must have happened some time before the meeting of parliament; for, after offending Bothwell, he retired from court; he allowed his rage time to subside, and had again joined the Queen when she was seized, April 24. 158. The time which must have elapsed, by this account of the matter, was perhaps sufficient to have gained Herries from being an opposer to become a promoter of the marriage. Perhaps Melvil may have committed some mistake with regard to this fact, so far as relates to Lord Herries. He could not well be mistaken with regard to what himself did.

¹³ Anders. vol. ii. 106.

schemes to full maturity; and every precaution being taken which could render it safe to enter on the last and decisive step, the natural impetuosity of his spirit did not suffer him to deliberate any longer. Under pretence of an expedition against the freebooters, on the borders, he assembled his followers; and marching out of Edinburgh with a thousand horse [April 24], turned suddenly towards Linlithgow, met the Queen on her return near that place, dispersed her slender train without resistance, seized on her person, and conducted her, together with a few of her courtiers, as a prisoner to his castle of Dunbar. She expressed neither surprise, nor terror, nor indignation, at such an outrage committed on her person, and such an insult offered to her authority, but seemed to yield without struggle or regret¹⁴. Melvil was at that time one of her attendants; and the officer by whom he was seized informed him that nothing was done without the Queen's own consent¹⁵. If we may rely on the letters published in Mary's name, the scheme had been communicated to her, and every step towards it was taken with her participation and advice¹⁶.

Both the Queen and Bothwell thought it of advantage to employ this appearance of violence. It afforded her a decent excuse for her conduct; and while she could plead that it was owing to force rather than choice, she hoped that her reputation, among foreigners at least, would escape without censure, or be exposed to less reproach. Bothwell could not help distrusting all the methods which had hitherto been used for vindicating him from any concern in the murder of the King. Something was still wanting for his security, and for quieting his guilty fears. This was a pardon under the great seal. By the laws of Scotland the most heinous crime must be mentioned by name in a pardon, and

¹⁴ Keith, 383.¹⁵ Melv. 158.¹⁶ Good. vol. ii. 37.

then all lesser offences are deemed to be included under the general clause, *and all other crimes whatsoever*¹⁷. To seize the person of the Prince, is high treason; and Bothwell hoped that a pardon obtained for this would extend to every thing of which he had been accused¹⁸.

Bothwell having now got the Queen's person into his hands, it would have been unbecoming either a politician or a man of gallantry to have delayed consummating his schemes. The first step towards this was to have his marriage with Lady Jane Gordon, the Earl of Huntly's sister, dissolved. In order to accomplish that, in a manner consistent with the ideas of the Queen on one hand, and with the sentiments of his countrymen on the other, two different processes became necessary; one founded on the maxims of the canon law, the other accommodated to the tenets of the reformed church. Bothwell accordingly commenced a suit, in his own name, in the spiritual court of the Archbishop of St. Andrew's [April 27], the jurisdiction of which the Queen had restored, by a special commission granted for this purpose, and pleaded that Lady Jane and himself, being cousins within the prohibited degrees, and having married without a papal dispensation, their union was null from the beginning¹⁹. At the same

¹⁷ Parl. 6 Jac. IV. c. 62.

¹⁸ Anders. vol. iv. part ii. 61.

¹⁹ In her own time, it was urged as an aggravation of the Queen's guilt, that she gave her consent to marry the husband of another woman; and the charge has been often repeated since. But according to Mary's own ideas, consonant to the principles of her religion, the marriage of Bothwell with Lady Jane Gordon was unlawful and void, and she considered them as living together not in the hallowed bonds of matrimony, but in a state of criminal intercourse. Bothwell's addresses, which struck her Protestant subjects not only as indecent but flagitious, could not appear in the same light to her; and this may be pleaded in extenuation of the crime imputed to her of having listened to them. But it will not exempt her from the charge of great imprudence in this unfortunate step. Mary was well acquainted with the

time he prevailed with Lady Jane to apply to the Protestant Court of Commissaries for a divorce, on account of his having been guilty of adultery. The influence of Bothwell was of equal weight in both courts. In the course of four days, with the same indecent and suspicious precipitancy, the one declared the marriage to be illegal and null, the other pronounced a sentence of divorce²⁰.

While this infamous transaction was carrying on, the Queen resided at Dunbar, detained as a prisoner, but treated with the greatest respect. Soon after [May 3], Bothwell, with a numerous train of his dependants, conducted her to Edinburgh; but, instead of lodging her in the palace of Holyrood-house, he conveyed her to the castle, of which he was governor. The discontent of the nation rendered this precaution necessary. In a house unfortified, and of easy access, the Queen might have been rescued without difficulty out of his hands. In a place of strength she was secured from all the attempts of his enemies.

One small difficulty still remained to be surmounted. As the Queen was kept in a sort of captivity by Bothwell, a marriage concluded in that condition might be imputed to force, and be held invalid. In order to obviate this, Mary appeared in the court of session, and in presence of the chancellor and other judges, and several of the nobility, declared that she was now at full liberty; and though Bothwell's violence in seizing her person had at first excited her indignation, yet his respectful behaviour

ideas of her subjects, and knew what they would think of her giving ear for a moment to the courtship of a man lately married under her own eye in the church of her palace. Appendix, No. XX. Every consideration should have restrained her from this union, which to her people must have appeared odious and shocking. Remarks on the History of Scotland, p. 199, &c.

²⁰ Anders. i. 132. Append. No. XX.

since that time had not only appeased her resentment, but determined her to raise him to higher honours²¹.

What these were, soon became public. The title of Duke of Orkney was conferred upon Bothwell; and on the 15th of May his marriage with the Queen, which had so long been the object of his wishes, and the motives of his crimes, was solemnized. The ceremony was performed in public, according to the rites of the Protestant church, by Adam Bothwell, Bishop of Orkney, one of the few prelates who had embraced the Reformation, and on the same day was celebrated in private according to the forms prescribed by the Popish religion²². The boldness with which Craig, the minister who was commanded to publish the banns, testified against the design; the small number of the nobles who were present at the marriage; and the sullen and disrespectful silence of the people when the Queen appeared in public, were manifest symptoms of the violent and general dissatisfaction of her own subjects. The refusal of Le Croc, the French ambassador, to be present at the nuptial ceremony or entertainment discovers the sentiments of her allies with regard to this part of her conduct; and although every other action in Mary's life could be justified by the rules of prudence, or reconciled to the principles of virtue, this fatal marriage would remain an incontestable proof of her rashness, if not of her guilt.

Mary's first care was to offer some apology for her conduct to the courts of France and England. The instructions to her ambassadors still remain, and are drawn by a masterly hand. But, under all the artificial and false colouring she employs, it is easy to discover, not only that many of the steps she had taken were unjustifiable, but that she herself was conscious that they could not be justified²³.

²¹ Anders. i. 87.

²² Ibid. 136. ii. 276.

²³ Ibid. 89.

The title of King was the only thing which was not bestowed upon Bothwell. Notwithstanding her attachment to him, Mary remembered the inconveniences which had arisen from the rash advancement of her former husband to that honour. She agreed, however, that he should sign, in token of consent, all the public writs issued in her name²⁴. But, though the Queen withheld from him the title of King, he possessed, nevertheless, regal power in its full extent. The Queen's person was in his hands; she was surrounded more closely than ever by his creatures; none of her subjects could obtain audience without his permission; and, unless in his own presence, none but his confidants were permitted to converse with her²⁵. The Scottish monarchs were accustomed to live among their subjects as fathers or as equals, without distrust, and with little state; armed guards standing at the doors of the royal apartment, difficulty of access, distance and retirement, were things unknown and unpopular.

These precautions were necessary for securing to Bothwell the power which he had acquired. But, without being master of the person of the young Prince, he esteemed all that he had gained to be precarious and uncertain. The Queen had committed her son to the care of the Earl of Mar. The fidelity and loyalty of that nobleman were too well known to expect that he would be willing to put the Prince into the hands of the man who was so violently suspected of having murdered his father. Bothwell, however, laboured to get the Prince into his power, with an anxiety which gave rise to the blackest suspicions. All his address as well as authority, were employed to persuade or to force Mar into a compliance with his demands²⁶. And it is no slight proof, both of the firmness and dexterity of that nobleman, that he preserved a life of

²⁴ Good. ii. 69. ²⁵ And. i. 136. ²⁶ Melv. 160. Buch. 361,

so much importance to the nation, from being in the power of a man, whom fear or ambition might have prompted to violent attempts against it.

The eyes of the neighbouring nations were fixed, at that time, upon the great events which had happened in Scotland during three months; a King murdered with the utmost cruelty, in the prime of his days, and in his capital city; the person suspected of that odious crime suffered not only to appear publicly in every place, but admitted into the presence of the Queen, distinguished by her favour, and intrusted with the chief direction of her affairs; subjected to a trial which was carried on with most shameless partiality, and acquitted by a sentence which served only to confirm the suspicions of his guilt; divorced from his wife, on pretences frivolous or indecent; and, after all this, instead of meeting with the ignominy due to his actions, or the punishment merited by his crimes, permitted openly, and without opposition, to marry a Queen, the wife of the Prince whom he had assassinated, and the guardian of those laws which he had been guilty of violating. Such a quick succession of incidents, so singular and so detestable, in the space of three months, is not to be found in any other history. They left, in the opinion of foreigners, a mark of infamy on the character of the nation. The Scots were held in abhorrence all over Europe; they durst hardly appear any where in public; and, after suffering so many atrocious deeds to pass with impunity, they were universally reproached as men void of courage or of humanity, as equally regardless of the reputation of their Queen and the honour of their country²⁷.

These reproaches roused the nobles, who had been hitherto amused by Bothwell's artifices, or

²⁷ Anders. vol. i. 128. 134. Melv. 163. See Appendix, No. XXI.

intimidated by his power. The manner in which he exercised the authority which he acquired, his repeated attempts to become master of the Prince's person, together with some rash threatenings against him, which he let fall²⁸, added to the violence and promptitude of their resolutions. A considerable body of them assembled at Stirling, and entered into an association for the defence of the Prince's person. Argyll, Athol, Mar, Morton, Glencairn, Home, Lindsay, Boyd, Murray of Tullibardin, Kirkaldy of Grange, and Maitland the Secretary, were the heads of this confederacy²⁹. Stewart, Earl of Athol, was remarkable for a uniform and bigoted attachment to popery; but his indignation on account of the murder of the King, to whom he was nearly allied, and his zeal for the safety of the Prince, overcame, on this occasion, all considerations of religion, and united him with the most zealous Protestants. Several of the other nobles acted, without question, from a laudable concern for the safety of the Prince and the honour of their country. But the spirit which some of them discovered during the subsequent revolutions leaves little room to doubt, that ambition or resentment were the real motives of their conduct; and that, on many occasions, while they were pursuing ends just and necessary, they were actuated by principles and passions altogether unjustifiable.

The first accounts of this league filled the Queen and Bothwell with great consternation. They were no strangers to the sentiments of the nation with respect to their conduct; and though their marriage had not met with public opposition, they knew that it had not been carried on without the secret disgust and murmurings of all ranks of men. They foresaw the violence with which this indignation would burst out, after having been so long suppressed; and, in

²⁸ Melv. 161.

²⁹ Keith, 394.

order to prepare for the storm, Mary issued a proclamation [May 28], requiring her subjects to take arms, and to attend her husband by a day appointed. At the same time she published a sort of manifesto, in which she laboured to vindicate her government from those imputations with which it had been loaded, and employed the strongest terms to express her concern for the safety and welfare of the Prince her son. Neither of these produced any considerable effect. Her proclamation was ill obeyed, and her manifesto met with little credit³⁰.

The confederate Lords carried on their preparations with no less activity, and with much more success. Among a warlike people, men of so much power and popularity found it an easy matter to raise an army. They were ready to march before the Queen and Bothwell were in a condition to resist them. The castle of Edinburgh was the place whither the Queen ought naturally to have retired, and there her person might have been perfectly safe. But the confederates had fallen on means to shake or corrupt the fidelity of Sir James Balfour, the deputy governor, and Bothwell durst not commit to him such an important trust. He conducted the Queen [June 6] to the castle of Borthwick; and on the appearance of Lord Home, with a body of his followers, before that place, he fled with precipitation to Dunbar, and was followed by the Queen disguised in men's clothes. The confederates advanced towards Edinburgh, where Huntly endeavoured, in vain, to animate the inhabitants to defend the town against them. They entered without opposition, and were instantly joined by many of the citizens, whose zeal became the firmest support of their cause³¹.

In order to set their own conduct in the most favourable light, and to rouse the public indignation against Bothwell, the nobles published a declaration

³⁰ Keith, 387, 395, 396.

³¹ Keith, 398.

of the motives which had induced them to take arms. All Bothwell's past crimes were enumerated, all his wicked intentions displayed and aggravated, and every true Scotchman was called upon to join them in avenging the one and preventing the other³².

Meanwhile Bothwell assembled his forces at Dunbar; and as he had many dependants in that corner, he soon gathered such strength that he ventured to advance towards the confederates. Their troops were not numerous; the suddenness and secrecy of their enterprise gave their friends at a distance no time to join them; and, as it does not appear that they were supported either with money or fed with hopes by the Queen of England, they could not have kept long in a body. But, on the other hand, Bothwell durst not risk a delay³³. His army followed him with reluctance in this quarrel, and served him with no cordial affection; so that his only hope of success was in surprising the enemy, or in striking the blow before his troops had leisure to recollect themselves, or to imbibe the same unfavourable opinion of his actions which had spread over the rest of the nation. These motives determined the Queen to march forward with an inconsiderate and fatal speed.

On the first intelligence of her approach, the confederates advanced to meet her. They found her forces drawn up almost on the same ground which the English had occupied before the battle of Pinkie [July 15]. The numbers on both sides were nearly equal; but there was no equality in point of discipline. The Queen's army consisted chiefly of a multitude, hastily assembled, without courage or experience in war. The troops of the confederates were composed of gentlemen of rank and reputation, followed by their most trusty dependants, who were no less brave than zealous³⁴.

³² Anders. vol. i. 128. ³³ Keith, 401. ³⁴ Cald. vol. ii. 48, 49.

Le Croc, the French ambassador, who was in the field, laboured, by negotiating both with the Queen and the nobles, to put an end to the quarrel without the effusion of blood. He represented to the confederates the Queen's inclinations towards peace, and her willingness to pardon the offences which they had committed. Morton replied with warmth, that they had taken arms not against the Queen, but against the murderer of her husband; and if he were given up to justice, or banished from her presence, she should find them ready to yield the obedience which is due from subjects to their sovereign. Glencairn added, that they did not come to ask pardon for any offence, but to punish those who had offended. Such haughty answers convinced the ambassador that his mediation would be ineffectual, and that their passions were too high to allow them to listen to any pacific propositions, or to think of retreating after having proceeded so far³⁵.

The Queen's army was posted to advantage on a rising ground. The confederates advanced to the attack resolutely, but slowly, and with the caution which was natural on that unhappy field. Her troops were alarmed at their approach, and discovered no inclination to fight. Mary endeavoured to animate them; she wept, she threatened, she reproached them with cowardice, but all in vain. A few of Bothwell's immediate attendants were eager for the encounter; the rest stood wavering and irresolute, and some began to steal out of the field. Bothwell attempted to inspirit them, by offering to decide the quarrel, and to vindicate his own innocence, in single combat with any of his adversaries. Kirkaldy of Grange, Murray of Tullibardin, and Lord Lindsay, contended for the honour of entering the lists against him. But this challenge proved to be a mere bravado. Either the consciousness of guilt

³⁵ Keith, 401.

deprived Bothwell of his wonted courage, or the Queen, by her authority, forbade the combat³⁶.

After the symptoms of fear discovered by her followers, Mary would have been inexcusable had she hazarded a battle. To have retreated in the face of an enemy who had already surrounded the hill on which she stood with part of their cavalry, was utterly impracticable. In this situation, she was under the cruel necessity of putting herself into the hands of those subjects who had taken arms against her. She demanded an interview with Kirkaldy, a brave and generous man, who commanded an advanced body of the enemy. He, with the consent and in the name of the leaders of the party, promised that, on condition she would dismiss Bothwell from her presence, and govern the kingdom by the advice of her nobles, they would honour and obey her as their sovereign³⁷.

During this parley, Bothwell took his last farewell of the Queen, and rode off the field with a few followers. This dismal reverse happened exactly one month after that marriage which had cost him so many crimes to accomplish, and which leaves so foul a stain on Mary's memory.

As soon as Bothwell retired, Mary surrendered to Kirkaldy, who conducted her toward the confederate army, the leaders of which received her with much respect; and Morton, in their name, made ample professions of their future loyalty and obedience³⁸. But she was treated by the common soldiers with the utmost insolence and indignity. As she marched along, they poured upon her all the opprobrious names which are bestowed only on the lowest and most infamous criminals. Wherever she turned her eyes, they held up before her a standard, on which was painted the dead body of the late

³⁶ Cald. vol. ii. 50.

³⁷ Good. vol. ii. 164. Melv. 165.

³⁸ Good. vol. ii. 165.

King, stretched on the ground, and the young Prince kneeling before it, and uttering these words, "Judge and revenge my cause, O Lord!" Mary turned with horror from such a shocking sight. She began already to feel the wretched condition to which a captive Prince is reduced. She uttered the most bitter complaints, she melted into tears, and could hardly be kept from sinking to the ground. The confederates conducted her towards Edinburgh; and, in spite of many delays, and after looking, with the fondness and credulity natural to the unfortunate, for some extraordinary relief, she arrived there. The streets were covered with multitudes, whom zeal or curiosity had drawn together, to behold such an unusual scene. The Queen, worn out with fatigue, covered with dust, and bedewed with tears, was exposed as a spectacle to her own subjects, and led to the provost's house. Notwithstanding all her arguments and entreaties, the same standard was carried before her, and the same insults and reproaches repeated³⁹. A woman, young, beautiful, and in distress, is naturally the object of compassion. The comparison of their present misery with their former splendour, usually softens us in favour of illustrious sufferers. But the people beheld the deplorable situation of their sovereign with insensibility; and so strong was their persuasion of her guilt, and so great the violence of their indignation, that the sufferings of their Queen did not, in any degree, mitigate their resentment, or procure her that sympathy which is seldom denied to unfortunate Princes.

³⁹ Melv. 166. Buch. 364.

THE
HISTORY OF SCOTLAND.

BOOK V.

1567.

THE confederate Lords had proceeded to such extremities against their Sovereign that it now became almost impossible for them either to stop short or to pursue a course less violent. Many of the nobles had refused to concur with them in their enterprise; others openly condemned it. A small circumstance might abate that indignation with which the multitude were at present animated against the Queen, and deprive them of that popular applause which was the chief foundation of their power. These considerations inclined some of them to treat the Queen with great lenity.

But, on the other hand, Mary's affection for Bothwell continued as violent as ever; she obstinately refused to hearken to any proposal for dissolving their marriage, and determined not to abandon a man, for whose love she had already sacrificed so much¹. If they should allow her to recover the supreme power, the first exertion of it would be to recall Bothwell; and they had reason, both from his resentment, from her conduct, and from their own, to expect the severest effects of her vengeance. These considerations surmounted every other motive;

¹ Keith, 419. 446. 449. Melv. 167. See Append. No. XXII.

and, reckoning themselves absolved, by Mary's incurable attachment to Bothwell, from the engagements which they had come under when she yielded herself a prisoner, they, without regarding the duty which they owed her as their Queen, and without consulting the rest of the nobles, carried her next evening, under a strong guard, to the castle of Lochleven, and signed a warrant to William Douglas, the owner of it, to detain her as a prisoner. This castle is situated in a small island in the middle of a lake. Douglas, to whom it belonged, was a near relation of Morton's, and had married the Earl of Murray's mother. In this place, under strict custody, with a few attendants, and subjected to the insults of a haughty woman, who boasted daily of being the lawful wife of James V., Mary suffered all the rigour and miseries of captivity².

Immediately after the Queen's imprisonment the confederates were at the utmost pains to strengthen their party; they entered into new bonds of association; they assumed the title of *Lords of the Secret Council*, and without any other right arrogated to themselves the whole regal authority. One of their first acts of power was to search the city of Edinburgh for such as had been concerned in the murder of the King. This show of zeal gained reputation to themselves, and threw an oblique reflection on the Queen for her remissness. Several suspected persons were seized. Captain Blackadder and three others were condemned and executed. But no discovery of importance was made. If we believe some historians, they were convicted by sufficient evidence; if we give credit to others, their sentence was unjust, and they denied, with their last breath, any knowledge of the crime for which they suffered³.

An unexpected accident, however, put into the

² Keith, 403. Note (b).

³ Cald. vol. ii. 53. Crawf. Mem. 35.

hands of Mary's enemies, what they deemed the fullest evidence of her guilt. Bothwell having left in the castle of Edinburgh a casket containing several sonnets and letters written with the Queen's own hand, he now sent one of his confidants to bring to him this precious deposite. But as his messenger returned, he was intercepted, and the casket seized by Morton⁴. The contents of it were always produced by the party as the most ample justification of their own conduct; and to these they continually appealed as the most unanswerable proof of their not having loaded their sovereign with the imputation of imaginary crimes⁵.

But the confederates, notwithstanding their extraordinary success, were still far from being perfectly at ease. That so small a part of the nobles should pretend to dispose of the person of their sovereign, or to assume the authority which belonged to her, without the concurrence of the rest, was deemed by many of that body, to be unprecedented and presumptuous. Several of these were now assembled at Hamilton, in order to deliberate what course they should hold in this difficult conjuncture. The confederates made some attempts towards a coalition with them, but without effect. They employed the mediation of the assembly of the church, to draw them to a personal interview at Edinburgh, but with no better success. That party, however, though its numbers were formidable, and the power of its leaders great, soon lost reputation by the want of unanimity and vigour; all its consultations evaporated in murmurs and complaints, and no scheme was concerted for obstructing the progress of the confederates⁶.

There appeared some prospect of danger from another quarter. This great revolution in Scotland

⁴ Anders. vol. ii. 92. Good. vol. ii. 90.

⁵ See Dissertation at the end of the History.

⁶ Keith, 407.

had been carried on without any aid from Elizabeth, and even without her knowledge⁷. Though she was far from being displeased at seeing the affairs of that kingdom embroiled, or a rival whom she hated reduced to distress; she neither wished that it should be in the power of the one faction entirely to suppress the other, nor could she view the steps taken by the confederates without great offence. Notwithstanding the popular maxims by which she governed her own subjects, her notions of royal prerogative were very exalted. The confederates had, in her opinion, encroached on the authority of their sovereign, which they had no right to control, and had offered violence to her person, which it was their duty to esteem sacred. They had set a dangerous example to other subjects, and Mary's cause became the common cause of Princes⁸. If ever Elizabeth was influenced with regard to the affairs of Scotland by the feelings of her heart, rather than by considerations of interest, it was on this occasion. Mary, in her present condition, degraded from her throne, and covered with the infamy attending an accusation of such atrocious crimes, could be no longer the object of Elizabeth's jealousy, either as a woman or as a Queen. Sympathy with a sovereign in distress seems, for a moment, to have touched a heart not very susceptible of tender sentiments; and while these were yet warm, she dispatched Throckmorton into Scotland [June 30], with power to negotiate both with the Queen and with the confederates. In his instructions there appears a remarkable solicitude for Mary's liberty, and even for her reputation; and the terms upon which she proposed to reestablish concord between the Queen and her subjects, appear to be so reasonable and well digested, as might have ensured the safety and happiness of both. Zealous as Throckmorton was

⁷ Keith, 415.

⁸ Id. 412. 415.

to accomplish this, all his endeavours and address proved ineffectual. He found not only the confederate nobles, but the nation in general, so far alienated from the Queen, and so much offended with the indecent precipitancy of her marriage with the reputed murderer of her former husband, as to be incapable of listening to any proposition in her favour.

During the state of anarchy occasioned by the imprisonment of the Queen, and the dissolution of the established government, which afforded such ample scope for political speculation, four different schemes had been proposed for the settlement of the nation. One, that Mary should be replaced upon the throne, but under various and strict limitations. The second, that she should resign the crown to her son, and, retiring out of the kingdom, should reside, during the remainder of her days, either in England or in France. The third, that Mary should be brought to public trial for her crimes, and, after conviction, of which no doubt was entertained, should be kept in perpetual imprisonment. The fourth, that after trial and condemnation, capital punishment should be inflicted upon her. Throk Morton, though disposed, as well by his own inclination as in conformity to the spirit of his instructions, to view matters in the light most favourable to Mary, informed his court, that the milder schemes, recommended by Maitland alone, would undoubtedly be reprobated, and one of the more rigorous carried into execution.

In justification of this rigour, the confederates maintained that Mary's affection for Bothwell was still unabated, and openly avowed by her; that she rejected with disdain every proposal for dissolving their marriage; and declared, that she would forego every comfort, and endure any extremity, rather than give her consent to that measure. While these were

her sentiments, they contended, that concern for the public welfare, as well as attention to their own safety, rendered it necessary to put it out of the Queen's power to restore a daring man, exasperated by recent injuries, to his former station, which must needs prove fatal to both. Notwithstanding their solicitude to conciliate the good will of Elizabeth, they foresaw clearly what would be the effect, at this juncture, of Throkmorton's interposition in behalf of the Queen; and that she, elated with the prospect of protection, would refuse to listen to the overtures which they were about to make to her. For this reason they peremptorily denied Throkmorton's access to their prisoner; and what propositions he made to them in her behalf they either refused or eluded⁹.

Meanwhile they deliberated with the utmost anxiety concerning the settlement of the nation, and the future disposal of the Queen's person. Elizabeth, observing that Throkmorton made no progress in his negotiations with them, and that they would listen to none of his demands in Mary's favour, turned towards that party of the nobles who were assembled at Hamilton, incited them to take arms in order to restore their Queen to liberty, and promised to assist them in such an attempt to the utmost of her power¹⁰. But they discovered no greater union and vigour than formerly, and, behaving like men who had given up all concern either for their Queen or their country, tamely allowed an inconsiderable part of their body, whether we consider it with respect to numbers or to power, to settle the government of the kingdom, and to dispose of the Queen's person at pleasure. Many consultations were held, and various opinions arose with regard to each of these. Some seemed desirous of adhering to the plan on which the confederacy

⁹ Keith, 417. 427.

¹⁰ See Append. No. XXIII.

was at first formed; and after punishing the murderers of the King, and dissolving the marriage with Bothwell; after providing for the safety of the young Prince, and the security of the Protestant religion; they proposed to reestablish the Queen in the possession of her legal authority. The success with which their arms had been accompanied inspired others with bolder and more desperate thoughts, and nothing less would satisfy them than the trial, the condemnation, and punishment of the Queen herself, as the principal conspirator against the life of her husband and the safety of her son¹¹: the former was Maitland's system, and breathed too much of a pacific and moderate spirit, to be agreeable to the temper or wishes of the party. The latter was recommended by the clergy, and warmly adopted by many laics; but the nobles durst not, or would not, venture on such an unprecedented and audacious deed¹².

Both parties agreed at last upon a scheme, neither so moderate as the one nor so daring as the other. Mary was to be persuaded or forced to resign the crown; the young Prince was to be proclaimed King, and the Earl of Murray was to be appointed to govern the kingdom, during his minority, with the name and authority of Regent. With regard to the Queen's own person, nothing was determined. It seems to have been the intention of the confederates to keep her in perpetual imprisonment; but, in order to intimidate herself, and to overawe her partisans, they still reserved to themselves the power of proceeding to more violent extremes.

It was obvious to foresee difficulties in the execu-

¹¹ Keith, 420, 421, 422. 582.

¹² The intention of putting the Queen to death seems to have been carried on by some of her subjects: at this time we often find Elizabeth boasting that Mary owed her life to her interposition. Digges's Compl. Amb. 14, &c. See Append. No. XVIII.

tion of this plan. Mary was young, ambitious, high spirited, and accustomed to command. To induce her to acknowledge her own incapacity for governing, to renounce the dignity and power which she was born to enjoy, to become dependent on her own subjects, to consent to her own bondage, and to invest those persons whom she considered as the authors of all her calamities with that honour and authority of which she herself was stripped, were points hard to be gained. These, however, the confederates attempted, and they did not want means to ensure success. Mary had endured, for several weeks, all the hardships and terror of a prison; no prospect of liberty appeared; none of her subjects had either taken arms, or so much as solicited her relief¹³; no person, in whom she could confide, was admitted into her presence; even the ambassadors of the French King, and Queen of England, were refused access to her. In this solitary state, without a counsellor or a friend, under the pressure of distress and the apprehension of danger, it was natural for a woman to hearken almost to any overtures. The confederates took advantage of her condition and of her fears. They employed Lord Lindsay, the fiercest zealot in the party, to communicate their scheme to the Queen, and to obtain her subscription to those papers which were necessary for rendering it effectual. He executed his commission with harshness and brutality. Certain death was before Mary's eyes if she refused to comply with his demands. At the same time she was informed by Sir Robert Melvil, in the name of Athol, Maitland, and Kirkaldy, the persons among the confederates who were most attentive to her interest, that a resignation, extorted by fear, and granted during her imprisonment, was void in law, and might be revoked as soon as she recovered liberty. Throkmorton, by a note

¹³ Keith, 425.

which he found means of conveying to her, suggested the same thing¹⁴. Deference to their opinion, as well as concern for her own safety, obliged her to yield to every thing which was required, and to sign all the papers which Lindsay presented to her. By one of these she resigned the crown, renounced all share in the government of the kingdom, and consented to the coronation of the young King. By another [July 24], she appointed the Earl of Murray Regent, and conferred upon him all the powers and privileges of that high office. By a third, she substituted some other noblemen in Murray's place, if he should refuse the honour which was designed for him. Mary, when she subscribed these deeds, was bathed in tears; and while she gave away, as it were with her own hands, the sceptre which she had swayed so long, she felt a pang of grief and indignation, one of the severest, perhaps, which can touch the human heart¹⁵.

The confederates endeavoured to give this resignation all the weight and validity in their power, by proceeding without delay to crown the young Prince. The ceremony was performed at Stirling [July 29], with much solemnity, in the presence of all the nobles of the party, a considerable number of lesser barons, and a great assembly of the people. From that time all public writs were issued, and the government carried on, in the name of James VI¹⁶.

No revolution so great was ever effected with more ease, or by means so unequal to the end. In a warlike age, and in less time than two months, a part of the nobles, who neither possessed the chief power nor the greatest wealth in the nation, and who never brought three thousand men into the field, seized, imprisoned, and dethroned their Queen,

¹⁴ Keith, 425. Note (b). Melv. 169.

¹⁵ Ibid. 430. Crawf. Mem. 38.

¹⁶ Ibid. 437.

and, without shedding a single drop of blood, set her son, an infant of a year old, on the throne.

During this rapid progress of the confederates, the eyes of all the nation were turned on them with astonishment; and various and contradictory opinions were formed concerning the extraordinary steps which they had taken.

Even under the aristocratical form of government which prevails in Scotland, said the favourers of the Queen, and notwithstanding the exorbitant privileges of the nobles, the Prince possesses considerable power, and his person is treated with great veneration. No encroachments should be made on the former, and no injury offered to the latter, but in cases where the liberty and happiness of the nation cannot be secured by any other means. Such cases seldom exist, and it belongs not to any part, but to the whole, or at least to a majority of the society, to judge of their existence. By what action could it be pretended that Mary had invaded the rights or property of her subjects, or what scheme had she formed against the liberty and constitution of the kingdom? Were fears, and suspicions, and surmises, enough to justify the imprisoning and the deposing a Queen, to whom the crown descended from so long a race of monarchs? The principal author of whatever was reckoned culpable in her conduct was now driven from her presence. The murderers of the King might have been brought to condign punishment, the safety of the Prince have been secured, and the Protestant religion have been established, without wresting the sceptre out of her hands, or condemning her to perpetual imprisonment. Whatever right a free Parliament might have had to proceed to such a rigorous conclusion, or whatever name its determination might have merited, a sentence of this nature, passed by a small

party of the nobility, without acknowledging or consulting the rest of the nation, must be deemed a rebellion against the government, and a conspiracy against the person of their sovereign.

The partisans of the confederates reasoned very differently. It is evident, said they, that Mary either previously gave consent to the King's murder, or did afterwards approve of that horrid action. Her attachment to Bothwell, the power and honours which she has conferred upon him, the manner in which she suffered his trial to be carried on, and the indecent speed with which she married a man stained with so many crimes, raise strong suspicions of the former, and put the latter beyond all doubt. To have suffered the supreme power to continue in the hands of an ambitious man, capable of the most atrocious and desperate actions, would have been disgraceful to the nation, dishonourable to the Queen, and dangerous to the Prince. Recourse was therefore had to arms. The Queen had been compelled to abandon a husband so unworthy of herself. But her affection toward him still continuing unabated; her indignation against the authors of this separation being visible, and often expressed in the strongest terms; they, by restoring her to her ancient authority, would have armed her with power to destroy themselves, have enabled her to recall Bothwell, and have afforded her an opportunity of pursuing schemes fatal to the nation with greater eagerness, and with more success. Nothing therefore remained, but by one bold action to deliver themselves and their country from all future fears. The expedient they had chosen was no less respectful to the royal blood, than necessary for the public safety. While one Prince was set aside as incapable of governing, the crown was placed on his head who was the undoubted representative of their ancient Kings.

Whatever opinion posterity may form on com-

paring the arguments of the two contending parties, whatever sentiments we may entertain concerning the justice or necessity of that course which the confederates held, it cannot be denied that their conduct, so far as regarded themselves, was extremely prudent. Other expedients, less rigorous towards Mary, might have been found for settling the nation; but, after the injuries which they had already offered the Queen, there was none so effectual for securing their own safety, or perpetuating their own power.

To a great part of the nation, the conduct of the confederates appeared not only wise, but just. The King's accession to the throne was every where proclaimed, and his authority submitted to without opposition. Though several of the nobles were still assembled at Hamilton, and seemed to be entering into some combination against his government, an association for supporting it was formed and signed by so many persons of power and influence throughout the nation, as entirely discouraged the attempt¹⁷.

The return of the Earl of Murray, about this time, added strength to the party, and gave it a regular and finished form. Soon after the murder of the King, this nobleman had retired into France, upon what pretence historians do not mention. During his residence there, he had held a close correspondence with the chiefs of the confederacy, and, at their desire, he now returned. He seemed, at first, unwilling to accept the office of Regent. This hesitation cannot be ascribed to the scruples either of diffidence or of duty. Murray wanted neither the abilities nor the ambition which might incite him to aspire to this high dignity. He had received the first accounts of his promotion with the utmost satisfaction; but, by appearing to continue for some days in suspense, he gained time to view with attention the ground on

¹⁷ Anders. vol. ii. 231.

which he was to act; to balance the strength and resources of the two contending factions; and to examine whether the foundation on which his future fame and success must rest, were sound and firm.

Before he declared his final resolution, he waited on Mary at Lochleven. This visit, to a sister, and a Queen, in a prison, from which he had neither any intention to relieve her, nor to mitigate the rigour of her confinement, may be mentioned among the circumstances which discover the great want of delicacy and refinement in that age. Murray, who was naturally rough and uncourtly in his manner¹⁸, expostulated so warmly with the Queen concerning her past conduct, and charged her faults so home upon her, that Mary, who had flattered herself with more gentle and brotherly treatment from him, melted into tears, and abandoned herself entirely to despair¹⁹. This interview, from which Murray could reap no political advantage, and wherein he discovered a spirit so severe and unrelenting, may be reckoned among the most bitter circumstances in Mary's life, and is certainly one of the most unjustifiable steps in his conduct.

Soon after his return from Lochleven, Murray accepted the office of Regent, and began to act in that character without opposition [Aug. 22].

Amidst so many great and unexpected events, the fate of Bothwell, the chief cause of them all, hath been almost forgotten. After his flight from the confederates, he lurked for some time among his vassals in the neighbourhood of Dunbar. But finding it impossible for him to make head, in that country, against his enemies, or even to secure himself from their pursuit, he fled for shelter to his kinsman the Bishop of Murray; and when he, overawed by the confederates, was obliged to abandon him, he retired to the Orkney Isles. Hunted from

¹⁸ Keith, 96.

¹⁹ Ibid. 445, 446.

place to place, deserted by his friends, and accompanied by a few retainers as desperate as himself, he suffered at once the miseries of infamy and of want. His indigence forced him upon a course which added to his infamy. He armed a few small ships, which had accompanied him from Dunbar, and, attacking every vessel which fell in his way, endeavoured to procure subsistence for himself and his followers by piracy. Kirkaldy and Murray of Tullibardin were sent out against him by the confederates; and, surprising him while he rode at anchor, scattered his small fleet, took a part of it, and obliged him to fly with a single ship towards Norway. On that coast he fell in with a vessel richly laden, and immediately attacked it; the Norwegians sailed with armed boats to its assistance, and, after a desperate fight, Bothwell and all his crew were taken prisoners. His name and quality were both unknown, and he was treated at first with all the indignity and rigour which the odious crime of piracy merited. His real character was soon discovered; and though it saved him from the infamous death to which his associates were condemned, it could neither procure him liberty, nor mitigate the hardships of his imprisonment. He languished ten years in this unhappy condition; melancholy and despair deprived him of reason, and at last he ended his days unpitied by his countrymen, and unassisted by strangers²⁰. Few men ever accomplished their ambitious projects by worse means, or reaped from them less satisfaction. The early part of his life was restless and enterprising, full of danger and of vicissitudes. His enjoyment of the grandeur, to which he attained by so many crimes, was extremely short; imbittered by much anxiety, and disquieted by many fears. In his latter years, he suffered the most intolerable calamities to which the wretched

²⁰ Melv. 168.

are subject, and from which persons who have moved in so high a sphere are commonly exempted.

The good effects of Murray's accession to the regency were quickly felt. The party forming for the Queen was weak, irresolute, and disunited; and no sooner was the government of the kingdom in the hands of a man so remarkable both for his abilities and popularity, than the nobles, of whom it was composed, lost all hopes of gaining ground, and began to treat separately with the Regent. So many of them were brought to acknowledge the King's authority that scarce any appearance of opposition to the established government was left in the kingdom. Had they adhered to the Queen with any firmness, it is probable, from Elizabeth's disposition at that time, that she would have afforded them such assistance as might have enabled them to face their enemies in the field. But there appeared so little vigour or harmony in their councils that she was discouraged from espousing their cause; and the Regent, taking advantage of their situation, obliged them to submit to his government, without granting any terms either to themselves or to the Queen²¹.

The Regent was no less successful in his attempt to get into his hands the places of strength in the kingdom. Balfour, the deputy governor, surrendered the castle of Edinburgh; and as the reward of his treachery, in deserting Bothwell his patron, obtained terms of great advantage to himself. The governor of Dunbar, who discovered greater fidelity, was soon forced to capitulate: some other small forts surrendered without resistance.

This face of tranquillity in the nation encouraged the Regent to call a meeting of parliament [Dec. 15]. Nothing was wanting to confirm the King's authority, and the proceedings of the confederates, except

²¹ Keith, 447. 450. 463.

the approbation of this supreme court; and after the success which had attended all their measures, there could be little doubt of obtaining it. The numbers that resorted to an assembly which was called to deliberate on matters of so much importance, were great. The meeting was opened with the utmost solemnity, and all its acts passed with much unanimity. Many, however, of the lords who had discovered the warmest attachment to the Queen, were present. But they had made their peace with the Regent. Argyll, Huntly, and Herries, acknowledged, openly in parliament, that their behaviour towards the King had been undutiful and criminal²². Their compliance, in this manner, with the measures of the Regent's party was either the condition on which they were admitted into favour, or intended as a proof of the sincerity of their reconciliation.

The Parliament granted every thing the confederates could demand, either for the safety of their own persons, or the security of that form of government which they had established in the kingdom. Mary's resignation of the crown was accepted, and declared to be valid. The King's authority, and Murray's election, were recognised and confirmed. The imprisoning the Queen, and all the other proceedings of the confederates, were pronounced lawful. The letters which Mary had written to Bothwell were produced, and she was declared to be accessory to the murder of the King²³. At the same time, all the acts of parliament of the year 1560, in favour of the Protestant religion, were publicly ratified; new statutes to the same purpose were enacted; and nothing that could contribute to root out the remains of Popery, or to encourage the growth of the Reformation, was neglected.

It is observable, however, that the same parsimo-

²² Anders. vol. iv. 153. See Appendix, No. XXIV.

²³ Good, vol. ii. 66. Anders. vol. ii. 206.

nious spirit prevailed in this parliament as in that of the year 1560. The Protestant clergy, notwithstanding many discouragements, and their extreme poverty, had for seven years performed all religious offices in the kingdom. The expedients fallen upon for their subsistence had hitherto proved ineffectual, or were intended to be so. But notwithstanding their known indigence, and the warm remonstrances of the assembly of the church, which met this year, the Parliament did nothing more for their relief than prescribe some new regulations concerning the payment of the thirds of benefices, which did not produce any considerable change in the situation of the clergy.

1568.] A few days after the dissolution of parliament [Jan. 3], four of Bothwell's dependants were convicted of being guilty of the King's murder, and suffered death as traitors. Their confessions brought to light many circumstances relative to the manner of committing that barbarous crime; but they were persons of low rank, and seem not to have been admitted into the secrets of the conspiracy²⁴.

Notwithstanding the universal submission to the Regent's authority, there still abounded in the kingdom many secret murmurs and cabals. The partisans of the house of Hamilton reckoned Murray's promotion an injury to the Duke of Chatelherault, who, as first Prince of the blood, had, in their opinion, an undoubted right to be Regent. The length and rigour of Mary's sufferings began to move many to commiserate her case. All who leaned to the ancient opinions in religion dreaded the effects of Murray's zeal. And he, though his abilities were great, did not possess the talents requisite for soothing the rage or removing the jealousies of the different factions. By insinuation, or address, he might have gained or softened many who had opposed him; but he was a stranger to these gentle arts. His vir-

²⁴ Anders. vol. ii. 165.

tues were severe; and his deportment towards his equals, especially after his elevation to the regency, distant and haughty. This behaviour offended some of the nobles, and alarmed others. The Queen's faction, which had been so easily dispersed, began again to gather and to unite, and was secretly favoured by some who had hitherto zealously concurred with the confederates²⁵.

Such was the favourable disposition of the nation towards the Queen, when she recovered her liberty, in a manner no less surprising to her friends than unexpected by her enemies. Several attempts had been made to procure her an opportunity of escaping, which some unforeseen accident, or the vigilance of her keepers, had hitherto disappointed. At last, Mary employed all her art to gain George Douglas, her keeper's brother, a youth of eighteen. As her manners were naturally affable and insinuating, she treated him with the most flattering distinction: she even allowed him to entertain the most ambitious hopes, by letting fall some expressions, as if she would choose him for her husband²⁶. At his age, and in such circumstances, it was impossible to resist such a temptation. He yielded, and drew others into the plot. On Sunday the 2d of May, while his brother sat at supper, and the rest of the family were retired to their devotions, one of his accomplices found means to steal the keys out of his brother's chamber, and, opening the gates to the Queen and one of her maids, locked them behind her, and then threw the keys into the lake. Mary ran with precipitation to the boat which was prepared for her, and, on reaching the shore, was received with the utmost joy by Douglas, Lord Seaton, and Sir James Hamilton, who with a few attendants waited for her. She instantly mounted on horseback, and rode full speed towards Niddrie,

²⁵ Melv. 179.

²⁶ Keith, 469. 481. Note.

Lord Seaton's seat in West Lothian. She arrived there that night, without being pursued or interrupted. After halting three hours, she set out for Hamilton; and travelling at the same pace she reached it next morning.

On the first news of Mary's escape, her friends, whom, in their present disposition, a much smaller accident would have roused, ran to arms. In a few days, her court was filled with a great and splendid train of nobles, accompanied by such numbers of followers as formed an army above six thousand strong. In their presence she declared that the resignation of the crown, and the other deeds which she had signed during her imprisonment, were extorted from her by fear. Sir Robert Melvil confirmed her declaration; and on that, as well as on other accounts, a council of the nobles and chief men of her party pronounced all these transactions void and illegal. At the same time [May 8], an association was formed for the defence of her person and authority, and subscribed by nine earls, nine bishops, eighteen lords, and many gentlemen of distinction²⁷. Among them were several who had been present in the last parliament, and who had signed the counter-association in defence of the King's government: but such sudden changes were then so common as to be no matter of reproach.

At the time when the Queen made her escape, the Regent was at Glasgow, holding a court of justice. An event so contrary to their expectations, and so fatal to their schemes, gave a great shock to his adherents. Many of them appeared wavering and irresolute; others began to carry on private negotiations with the Queen; and some openly revolted to her side. In so difficult a juncture, where his own fame and the being of the party depended on his choice, the Regent's most faithful associates

²⁷ Keith, 475.

were divided in opinion. Some advised him to retire, without loss of time, to Stirling. The Queen's army was already strong, and only eight miles distant; the adjacent country was full of the friends and dependants of the house of Hamilton, and other lords of the Queen's faction; Glasgow was a large and unfortified town; his own train consisted of no greater number than was usual in times of peace; all these reasons pleaded for a retreat. But, on the other hand, arguments were urged of no inconsiderable weight. The citizens of Glasgow were well affected to the cause; the vassals of Glencairn, Lennox, and Semple, lay near at hand, and were both numerous and full of zeal; succours might arrive from other parts of the kingdom in a few days; in war, success depends upon reputation, as much as upon numbers; reputation is gained, or lost, by the first step one takes: on all these considerations, a retreat would be attended with all the ignominy of a flight, and would at once dispirit his friends, and inspire his enemies with boldness. In such dangerous exigencies as this, the superiority of Murray's genius appeared, and enabled him both to choose with wisdom and to act with vigour. He declared against retreating, and fixed his headquarters at Glasgow. And while he amused the Queen for some days, by pretending to hearken to some overtures which she made for accommodating their differences, he was employed with the utmost industry, in drawing together his adherents from different parts of the kingdom. He was soon in a condition to take the field; and, though far inferior to the enemy in number, he confided so much in the valour of his troops and the experience of his officers, that he broke off the negotiation, and determined to hazard a battle²⁸.

At the same time [May 13], the Queen's generals

²⁸ Buchan. 369.

had commanded her army to move. Their intention was, to conduct her to Dumbarton-castle, a place of great strength, which the Regent had not been able to wrest out of the hands of Lord Fleming the governor; but if the enemy should endeavour to interrupt their march, they resolved not to decline an engagement. In Mary's situation, no resolution could be more imprudent. A part only of her forces was assembled. Huntly, Ogilvie, and the northern clans, were soon expected; her sufferings had removed or diminished the prejudices of many among her subjects; the address with which she surmounted the dangers that obstructed her escape, dazzled and interested the people; the sudden confluence of so many nobles added lustre to her cause; she might assuredly depend on the friendship and countenance of France; she had reason to expect the protection of England; her enemies could not possibly look for support from that quarter. She had much to hope from pursuing slow and cautious measures; they had every thing to fear.

But Mary, whose hopes were naturally sanguine, and her passions impetuous, was so elevated, by her sudden transition from the depth of distress to such an unusual appearance of prosperity, that she never doubted of success. Her army, which was almost double to the enemy in number, consisted chiefly of the Hamiltons and their dependants. Of these the Archbishop of St. Andrew's had the chief direction, and hoped, by a victory, not only to crush Murray, the ancient enemy of his house, but to get the person of the Queen into his hands, and to oblige her either to marry one of the Duke's sons, or at least to commit the chief direction of her affairs to himself. His ambition proved fatal to the Queen, to himself, and to his family²⁹.

Mary's imprudence in resolving to fight was not

²⁹ Anders. vol. iv. 32. Melv. 181.

greater than the ill conduct of her generals in the battle. Between the two armies, and on the road towards Dumbarton, there was an eminence called Langside Hill. This the Regent had the precaution to seize, and posted his troops in a small village, and among some gardens and enclosures adjacent. In this advantageous situation he waited the approach of the enemy, whose superiority in cavalry could be of no benefit to them on such broken ground. The Hamiltons, who composed the vanguard, ran so eagerly to the attack, that they put themselves out of breath, and left the main battle far behind. The encounter of the spearmen was fierce and desperate; but as the forces of the Hamiltons were exposed, on the one flank, to a continued fire from a body of musqueteers, attacked on the other by the Regent's most choice troops, and not supported by the rest of the Queen's army, they were soon obliged to give ground, and the rout immediately became universal. Few victories in a civil war, and among a fierce people, have been pursued with less violence, or attended with less bloodshed. Three hundred fell in the field: in the flight almost none were killed. The Regent and his principal officers rode about, beseeching the soldiers to spare their countrymen. The number of prisoners was great, and among them many persons of distinction. The Regent marched back to Glasgow, and returned public thanks to God for this great, and, on his side, almost bloodless victory³⁰.

During the engagement, Mary stood on a hill at no great distance, and beheld all that passed in the field, with such emotions of mind as are not easily described. When she saw the army, which was her last hope, thrown into irretrievable confusion, her spirit, which all her past misfortunes had not been able entirely to subdue, sunk altogether. In the utmost consternation, she began her flight; and so lively

³⁰ Keith, 477.

were her impressions of fear that she never closed her eyes till she reached the abbey of Drundrenan in Galloway, full sixty Scottish miles from the place of battle³¹.

These revolutions in Mary's fortune had been no less rapid than singular. In the short space of eleven days she had been a prisoner at the mercy of her most inveterate enemies; she had seen a powerful army under her command, and a numerous train of nobles at her devotion: and now she was obliged to fly, in the utmost danger of her life, and to lurk, with a few attendants, in a corner of her kingdom. Not thinking herself safe even in that retreat, her fears impelled her to an action, the most unadvised, as well as the most unfortunate, in her whole life. This was her retiring into England; a step, which, on many accounts, ought to have appeared to her rash and dangerous.

Before Mary's arrival in Scotland, mutual distrust and jealousies had arisen between her and Elizabeth. All their subsequent transactions had contributed to exasperate and inflame these passions. She had endeavoured, by secret negotiations and intrigues, to disturb the tranquillity of Elizabeth's government, and to advance her own pretensions to the English crown. Elizabeth, who possessed great power, and acted with less reserve, had openly supported Mary's rebellious subjects, and fomented all the dissensions and troubles in which her reign had been involved. The maxims of policy still authorized that Queen to pursue the same course; as, by keeping Scotland in confusion, she effectually secured the peace of her own kingdom. The Regent, after his victory, had marched to Edinburgh, and, not knowing what course the Queen had taken, it was several days before he thought of pursuing her³². She might have been concealed in that retired corner, among subjects

³¹ Keith, 481.

³² Crawf. Mem. 59.

devoted to her interest, until her party, which was dispersed rather than broken by the late defeat, should gather such strength that she could again appear with safety at their head. There was not any danger which she ought not to have run, rather than throw herself into the hands of an enemy, from whom she had already suffered so many injuries, and who was prompted, both by inclination and by interest, to renew them.

But, on the other hand, during Mary's confinement, Elizabeth had declared against the proceedings of her subjects, and solicited for her liberty, with a warmth which had all the appearance of sincerity. She had invited her to take refuge in England, and had promised to meet her in person, and to give her such a reception as was due to a Queen, a kinswoman, and an ally³³. Whatever apprehension Elizabeth might entertain of Mary's designs while she had power in her hands, she was at present the object, not of fear, but of pity; and to take advantage of her situation would be both ungenerous and inhuman. The horrors of a prison were fresh in Mary's memory; and if she should fall a second time into the hands of her subjects, there was no injury to which the presumption of success might not embolden them to proceed. To attempt escaping into France was dangerous, and, in her situation, almost impossible; nor could she bear the thoughts of appearing as an exile and a fugitive in that kingdom where she had once enjoyed all the splendour of a Queen. England remained her only asylum; and in spite of the entreaties of Lord Herries, Fleming, and her other attendants, who conjured her, even on their knees, not to confide in Elizabeth's promises of generosity, her infatuation was invincible, and she resolved to fly thither. Herries, by her command, wrote to Lowther the deputy governor of Carlisle, to know

³³ Camd. 489. Anders. vol. iv. 99. 120. Murdin, 369.

what reception he would give her; and, before his answer could return, her fear and impatience were so great that she got into a fisher-boat [May 16], and, with about twenty attendants, landed at Wirkington in Cumberland, and thence she was conducted with many marks of respect to Carlisle³⁴.

As soon as Mary arrived in England, she wrote a long letter to the Queen, representing, in the strongest terms, the injuries which she had suffered from her own subjects, and imploring that pity and assistance which her present situation demanded³⁵. An event so extraordinary, and the conduct which might be proper in consequence of it, drew the attention and employed the thoughts of Elizabeth and her council. If their deliberations had been influenced by considerations of justice or generosity alone, they would not have found them long or intricate. A Queen, vanquished by her own subjects, and threatened by them with the loss of her liberty or of her life, had fled from their violence, and thrown herself into the arms of her nearest neighbour and ally, from whom she had received repeated assurances of friendship and protection. These circumstances entitled her to respect and to compassion, and required that she should either be restored to her own kingdom, or at least be left at full liberty to seek aid from any other quarter. But with Elizabeth and her counsellors the question was not, what was most just or generous, but what was most beneficial to herself and to the English nation. Three different resolutions might have been taken, with regard to the Queen of Scots. To reinstate her in her throne was one; to allow her to retire into France was another; to detain her in England was a third. Each of these drew consequences after it, of the utmost importance, which were examined, as

³⁴ Keith, 483. Anders. vol. iv. 2.

³⁵ Anders. vol. iv. 29.

appears from papers still extant³⁶, with that minute accuracy which Elizabeth's ministers employed in all their consultations upon affairs of moment.

To restore Mary to the full exercise of the royal authority in Scotland, they observed, would render her more powerful than ever. The nobles who were most firmly attached to the English interest would quickly feel the utmost weight of her resentment. As the gratitude of Princes is seldom strong or lasting, regard to her own interest might soon efface the memory of her obligations to Elizabeth, and prompt her to renew the alliance of the Scottish nation with France, and revive her own pretensions to the English crown. Nor was it possible to fetter and circumscribe the Scottish Queen, by any conditions that would prevent these dangers. Her party in Scotland was numerous and powerful. Her return, even without any support from England, would inspire her friends with new zeal and courage; a single victory might give them the superiority, which they had lost by a single defeat, and render Mary a more formidable rival than ever to Elizabeth.

The dangers arising from suffering Mary to return into France were no less obvious. The French King could not refuse his assistance towards restoring his sister and ally to her throne. Elizabeth would, once more, see a foreign army in the island, overawing the Scots, and ready to enter her kingdom; and, if the commotions in France, on account of religion, were settled, the Princes of Lorraine might resume their ambitious projects, and the united forces of France and Scotland might invade England where it is weakest and most defenceless.

Nothing therefore remained but to detain her in England; and to permit her either to live at liberty there, or to confine her in a prison. The former was a dangerous experiment. Her court would become

³⁶ Anders, 31. 99. 102.

a place of resort to all the Roman Catholics, to the disaffected, and to the lovers of innovation. Though Elizabeth affected to represent Mary's pretensions to the English crown as ill founded, she was not ignorant that they did not appear in that light to the nation, and that many thought them preferable even to her own title. If the activity of her emissaries had gained her so many abettors, her own personal influence was much more to be dreaded : her beauty, her address, her sufferings, by the admiration and pity which they would excite, could not fail of making many converts to her party³⁷.

It was indeed to be apprehended, that the treating Mary as a prisoner would excite universal indignation against Elizabeth ; and that by this unexampled severity towards a Queen, who implored, and to whom she had promised her protection, she would forfeit the praise of justice and humanity, which was hitherto due to her administration. But the English monarchs were often so solicitous to secure their kingdom against the Scots as to be little scrupulous about the means which they employed for that purpose. Henry IV. had seized the heir of the crown of Scotland, who was forced by the violence of a storm to take refuge in one of the ports of his kingdom ; and, in contempt of the rights of hospitality, without regarding his tender age, or the tears and entreaties of his father, detained him a prisoner for many years. This action, though detested by posterity, Elizabeth resolved now to imitate. Her virtue was not more proof than that of Henry had been, against the temptations of interest ; and the possession of a present advantage was preferred to the prospect of future fame. The satisfaction which she felt in mortifying a rival, whose beauty and accomplishments she envied, had, perhaps, no less influence than political considerations in bringing

³⁷ Anders. vol. iv. 56. 60.

her to this resolution. But at the same time, in order to screen herself from the censure which this conduct merited, and to make her treatment of the Scottish Queen look like the effect of necessity rather than of choice, she determined to assume the appearance of concern for her interest, and of deep sympathy with her sufferings.

With this view [May 20], she instantly dispatched Lord Scrope, warden of the west marches, and Sir Francis Knollys, her vice-chamberlain, to the Queen of Scots, with letters full of expressions of kindness and condolence. But, at the same time, they had private instructions to watch all her motions, and to take care that she should not escape into her own kingdom³⁸. On their arrival, Mary demanded a personal interview with the Queen, that she might lay before her the injuries which she had suffered, and receive from her those friendly offices which she had been encouraged to expect. They answered, that it was with reluctance admission into the presence of their sovereign was at present denied her; that while she lay under the imputation of a crime so horrid as the murder of her husband, their mistress, to whom he was so nearly allied, could not, without bringing a stain upon her own reputation, admit her into her presence; but, as soon as she had cleared herself from that aspersion, they promised her a reception suitable to her dignity, and aid proportioned to her distress³⁹.

Nothing could be more artful than this pretence; and it was the occasion of leading the Queen of Scots into the snare in which Elizabeth and her ministers wished to entangle her. Mary expressed the utmost surprise at this unexpected manner of evading her request; but, as she could not believe so many professions of friendship to be void of sincerity, she frankly offered to submit her cause

³⁸ Anders. vol. iv. 36. 70. 92.

³⁹ Id. vol. iv. 8. 55.

to the cognizance of Elizabeth, and undertook to produce such proofs of her own innocence, and of the falsehood of the accusations brought against her, as should fully remove the scruples and satisfy the delicacy of the English Queen. This was the very point to which Elizabeth laboured to bring the matter. In consequence of this appeal of the Scottish Queen, she now considered herself as the umpire between her and her subjects, and foresaw that she would have it entirely in her own power to protract the inquiry to any length, and to perplex and involve it in endless difficulties. In the mean time, she was furnished with a plausible reason for keeping her at a distance from court, and for refusing to contribute towards replacing her on the throne. As Mary's conduct had been extremely incautious, and the presumptions of her guilt were many and strong, it was not impossible her subjects might make good their charge against her; and if this should be the result of the inquiry, she would thenceforth cease to be the object of regard or of compassion, and the treating her with coldness and neglect would merit little censure. In a matter so dark and mysterious, there was no probability that Mary could bring proofs of her innocence so incontestable as to render the conduct of the English Queen altogether culpable; and, perhaps, impatience under restraint, suspicion of Elizabeth's partiality, or the discovery of her artifices, might engage Mary in such cabals as would justify the using her with greater rigour.

Elizabeth early perceived many advantages which would arise from an inquiry into the conduct of the Scottish Queen, carried on under her direction. There was some danger, however, that Mary might discover her secret intentions too soon, and, by receding from the offer which she had made, endeavour to disappoint them. But, even in that event she determined not to drop the inquiry, and ¹

thought of several different expedients for carrying it on. The Countess of Lennox, convinced that Mary was accessory to the murder of her son, and thirsting for that vengeance which it was natural for a mother to demand, had implored Elizabeth's justice, and solicited her, with many tears, in her own name and in her husband's, to bring the Scottish Queen to a trial for that crime⁴⁰. The parent of the unhappy Prince had a just right to prefer this accusation; nor could she, who was their nearest kinswoman, be condemned for listening to so equitable a demand. Besides, as the Scottish nobles openly accused Mary of the same crime, and pretended to be able to confirm their charge by sufficient proof, it would be no difficult matter to prevail on them to petition the Queen of England to take cognizance of their proceedings against their sovereign; and it was the opinion of the English council, that it would be reasonable to comply with the request⁴¹. At the same time, the obsolete claim of the superiority of England over Scotland began to be talked of; and, on that account, it was pretended that the decision of the contest between Mary and her subjects belonged of right to Elizabeth⁴². But, though Elizabeth revolved all these expedients in her mind, and kept them in reserve to be made use of as occasion might require, she wished that the inquiry into Mary's conduct should appear to be undertaken purely in compliance with her own demand, and in order to to vindicate her innocence; and so long as that appearance could be preserved, none of the other expedients were to be employed.

When Mary consented to submit her cause to Elizabeth, she was far from suspecting that any bad consequences could follow, or that any dangerous pretensions could be founded on her offer. She

⁴⁰ Camd. 412. Haynes, 469.

⁴¹ And. vol. iv. part i. 37.

⁴² Ibid.

expected that Elizabeth herself would receive and examine her defences⁴³; she meant to consider her as an equal, for whose satisfaction she was willing to explain any part of her conduct that was liable to censure, not to acknowledge her as a superior, before whom she was bound to plead her cause. But Elizabeth put a very different sense on Mary's offer. She considered herself as chosen to be judge in the controversy between the Scottish Queen and her subjects, and began to act in that capacity. She proposed to appoint commissioners to hear the pleadings of both parties, and wrote to the Regent of Scotland to empower proper persons to appear before them in his name, and to produce what he could allege in vindication of his proceedings against his sovereign.

Mary had hitherto relied with unaccountable credulity on Elizabeth's professions of regard, and expected that so many kind speeches would at last be accompanied with some suitable actions. But this proposal entirely undeceived her. She plainly perceived the artifice of Elizabeth's conduct, and saw what a diminution it would be to her own honour to appear on a level with her rebellious subjects, and to stand together with them at the bar of a superior and a judge. She retracted the offer which she had made, and which had been perverted to a purpose so contrary to her intention. She demanded, with more earnestness than ever, to be admitted into Elizabeth's presence; and wrote to her [July 13], in a strain very different from what she had formerly used, and which fully discovers the grief and indignation that preyed on her heart. "In my present situation," says she, "I neither will nor can reply to the accusations of my subjects. I am ready, of my own accord, and out of friendship to you, to satisfy your scruples, and to vindicate my

⁴³ Anders. vol. iv. 10.

own conduct. My subjects are not my equals; nor will I, by submitting my cause to a judicial trial, acknowledge them to be so. I fled into your arms, as into those of my nearest relation and most perfect friend. I did you honour, as I imagined, in choosing you, preferably to any other Prince, to be the restorer of an injured Queen. Was it ever known that a Prince was blamed for hearing, in person, the complaints of those who appealed to his justice, against the false accusations of their enemies? You admitted into your presence my bastard brother, who had been guilty of rebellion; and you deny me that honour! God forbid that I should be the occasion of bringing any stain upon your reputation! I expected that your manner of treating me would have added lustre to it. Suffer me either to implore the aid of other Princes, whose delicacy on this head will be less, and their resentment of my wrongs greater; or let me receive from your hands that assistance which it becomes you, more than any other Prince, to grant; and, by that benefit, bind me to yourself in the indissoluble ties of gratitude⁴⁴."

This letter somewhat disconcerted Elizabeth's plan, but did not divert her from the prosecution of it. She laid the matter before the privy council [June 20], and it was there determined, notwithstanding the entreaties and remonstrances of the Scottish Queen, to go on with the inquiry into her conduct; and, until that were finished, it was agreed that Elizabeth could not, consistently with her own honour, or with the safety of her government, either give her the assistance which she demanded, or permit her to retire out of the kingdom. Lest she should have an opportunity of escaping, while she resided so near to Scotland, it was thought advisable to remove her to some place at a greater distance from the borders⁴⁵.

⁴⁴ Anders. vol. iv. part i. 94.

⁴⁵ Ibid. 102.

While the English court was occupied in these deliberations, the Regent did not neglect to improve the victory at Langside. That event was of the utmost importance to him. It not only drove the Queen herself out of the kingdom, but left her adherents dispersed, and without a leader, at his mercy. He seemed resolved, at first, to proceed against them with the utmost rigour. Six persons of some distinction, who had been taken prisoners in the battle, were tried, and condemned to death, as rebels against the King's government. They were led to the place of execution, but, by the powerful intercession of Knox, they obtained a pardon. Hamilton of Bothwelhaugh was one of the number, who lived to give both the Regent and Knox reason to repent of this commendable act of lenity⁴⁶.

Soon after the Regent marched with an army, consisting of four thousand horse and one thousand foot, towards the west borders. The nobles in this part of the kingdom were all the Queen's adherents; but, as they had no force sufficient to obstruct his progress, he must either have obliged them to submit to the King, or would have laid waste their lands with fire and sword. But Elizabeth, whose interest it was to keep Scotland in confusion, by preserving the balance between the two parties, and who was endeavouring to sooth the Scottish Queen by gentle treatment, interposed at her desire. After keeping the field two weeks, the Regent, in compliance to the English ambassador, dismissed his forces; and an expedition, which might have proved fatal to his opponents, ended with a few acts of severity⁴⁷.

The resolution of the English privy council, with regard to Mary's person, was soon carried into execution; and, without regarding her remonstrances or

⁴⁶ Cald. vol. ii. 99.

⁴⁷ Id. *ibid*.

complaints, she was conducted to Bolton, a castle of Lord Scrope's, on the borders of Yorkshire⁴⁸ [July 13]. In this place her correspondence with her friends in Scotland became more difficult, and any prospect of making her escape was entirely cut off. She now felt herself to be completely in Elizabeth's power, and though treated as yet with the respect due to a Queen, her real condition was that of a prisoner. Mary knew what it was to be deprived of liberty, and dreaded it as the worst of all evils. While the remembrance of her late imprisonment was still lively, and the terror of a new one filled her mind, Elizabeth thought it a proper juncture to renew her former proposition [July 28], that she would suffer the Regent and his adherents to be called into England, and consent to their being heard in defence of their own conduct. She declared it to be far from her intention to claim any right of judging between Mary and her subjects, or of degrading her so far as to require that she should answer to their accusations. On the contrary, Murray and his associates were summoned to appear, in order to justify their conduct in treating their sovereign so harshly, and to vindicate themselves from those crimes with which she had charged them. On her part, Elizabeth promised, whatever should be the issue of this inquiry, to employ all her power and influence towards replacing Mary on her throne, under a few limitations by no means unreasonable. Mary, deceived by this seeming attention to her dignity as a Queen, soothed, on one hand, by a promise more flattering than any which she had hitherto received from Elizabeth, and urged, on the other, by the feelings which were natural on being conducted into a more interior part of England, and kept there in more rigorous confinement, complied at length with

⁴⁸ Anders. vol. iv. 14. See Appendix, No. XXV.

what Elizabeth required, and promised to send commissioners to the conferences appointed to be held at York⁴⁹.

In order to persuade Elizabeth that she desired nothing so much as to render the union between them as close as possible, she showed a disposition to relax somewhat in one point; with regard to which, during all her past and subsequent misfortunes, she was uniformly inflexible. She expressed a great veneration for the liturgy of the church of England; she was often present at religious worship, according to the rites of the reformed church; made choice of a Protestant clergyman to be her chaplain; heard him preach against the errors of popery with attention and seeming pleasure; and discovered all the symptoms of an approaching conversion⁵⁰. Such was Mary's known and bigoted attachment to the popish religion that it is impossible to believe her sincere in this part of her conduct; nor can any thing mark more strongly the wretchedness of her condition, and the excess of her fears, than that they betrayed her into dissimulation, in a matter concerning which her sentiments were, at all other times, scrupulously delicate.

At this time the Regent called a parliament [Aug. 18], in order to proceed to the forfeiture of those who refused to acknowledge the King's authority. The Queen's adherents were alarmed, and Argyll and Huntly, whom Mary had appointed her lieutenants, the one in the south and the other in the north of Scotland, began to assemble forces to obstruct this meeting. Compassion for the Queen, and envy at those who governed in the King's name, had added

⁴⁹ Anders. vol. iv. part i. p. 11, 12, &c. 109, &c. Haynes, 468, &c. State Trials, Edit. Hargrave, i. 90.

⁵⁰ Anders. vol. iv. part i. 113. Haynes, 509. See Appendix, No. XXVI.

so much strength to the party that the Regent would have found it difficult to withstand its efforts. But as Mary had submitted her cause to Elizabeth, she could not refuse, at her desire, to command her friends to lay down their arms and wait patiently until matters were brought to a decision in England. By procuring this cessation of arms, Elizabeth afforded as seasonable relief to the Regent's faction, as she had formerly given to the Queen's⁵¹.

The Regent, however, would not consent, even at Elizabeth's request, to put off the meeting of parliament⁵². But we may ascribe to her influence, as well as to the eloquence of Maitland, who laboured to prevent the one half of his countrymen from exterminating the other, any appearances of moderation which this Parliament discovered in its proceedings. The most violent opponents of the King's government were forfeited; the rest were allowed still to hope for favour⁵³.

No sooner did the Queen of Scots submit her cause to her rival, than Elizabeth required the Regent to send to York deputies properly instructed for vindicating his conduct, in presence of her commissioners. It was not without hesitation and anxiety that the Regent consented to this measure. His authority was already established in Scotland, and confirmed by Parliament. To suffer its validity now to be called in question, and subjected to a foreign jurisdiction, was extremely mortifying. To accuse his sovereign before strangers, the ancient enemies of the Scottish name, was an odious task. To fail in this accusation was dangerous; to succeed in it was disgraceful. But the strength of the adverse faction daily increased. He dreaded the interposition of the French King in its behalf. In his situation, and in a matter which Elizabeth had so much at

⁵¹ Anders. vol. iv. 125.

⁵² See Appendix, XXVII.

⁵³ Buch. 371.

heart, her commands were neither to be disputed nor disobeyed⁵⁴.

The necessity of repairing in person to York added to the ignominy of the step which he was obliged to take. All his associates declined the office; they were unwilling to expose themselves to the odium and danger with which it was easy to foresee that the discharge of it would be attended, unless he himself consented to share these in common with them. [Sept. 18.] The Earl of Morton, Bothwell Bishop of Orkney, Pitcairn Commendator of Dunfermling, and Lord Lindsay, were joined with him in commission. Macgill of Rankeilor, and Balnaves of Hallhill, two eminent civilians, George Buchanan, Murray's faithful adherent, a man whose genius did honour to the age, Maitland, and several others, were appointed to attend them as assistants. Maitland owed this distinction to the Regent's fear, rather than to his affection. He had warmly remonstrated against this measure. He wished his country to continue in friendship with England, but not to become dependent on that nation. He was desirous of reestablishing the Queen in some degree of power, not inconsistent with that which the King possessed; and the Regent could not, with safety, leave behind him a man, whose views were so contrary to his own, and who, by his superior abilities, had acquired an influence in the nation, equal to that which others derived from the antiquity and power of their families⁵⁵.

Mary empowered Lesley Bishop of Ross, Lord Livingston, Lord Boyd, Lord Herries, Gavin Hamilton Commendator of Kilwinning, Sir John Gordon of Lochinvar, and Sir James Cockburn of Stirling, to appear in her name⁵⁶.

⁵⁴ Buch. 372. See Append. No. XXVIII.

⁵⁵ Buch. 371. Anders. vol. iv. 35. Melv. 186. 188.

⁵⁶ Anders. vol. iv. 33.

Elizabeth nominated Thomas Howard Duke of Norfolk, Thomas Radcliff Earl of Sussex, and Sir Ralph Sadler, her commissioners to hear both parties.

The 4th of October was the day fixed for opening the *conference*. The great abilities of the deputies on both sides, the dignity of the judges before whom they were to appear, the high rank of the persons whose cause was to be heard, and the importance of the points in dispute, rendered the whole transaction no less illustrious than it was singular. The situation in which Elizabeth appeared on this occasion, strikes us with an air of magnificence. Her rival, an independent Queen, and the heir of an ancient race of monarchs, was a prisoner in her hands, and appeared, by her ambassadors, before her tribunal. The Regent of Scotland, who represented the majesty and possessed the authority of a King, stood in person at her bar. And the fate of a kingdom, whose power her ancestors had often dreaded, but could never subdue, was now at her disposal.

The views, however, with which the several parties consented to this conference, and the issue to which they expected to bring it, were extremely different.

Mary's chief object was the recovering her former authority. This induced her to consent to a measure against which she had long struggled. Elizabeth's promises gave her ground for entertaining hopes of being restored to her kingdom; in order to which she would have willingly made many concessions to the King's party; and the influence of the English Queen, as well as her own impatience under her present situation, might have led her to many more⁵⁷. The Regent aimed at nothing but securing Elizabeth's protection to his party, and seems not to have had the most distant thoughts of coming to any

⁵⁷ Anders, vol. iv. part ii. 33. Good, vol. ii. 337.

composition with Mary. Elizabeth's views were more various, and her schemes more intricate. She seemed to be full of concern for Mary's honour, and solicitous that she should wipe off the aspersions which blemished her character. This she pretended to be the intention of the conference; amusing Mary, and eluding the solicitations of the French and Spanish ambassadors in her behalf, by repeated promises of assisting her, as soon as she could venture to do so without bringing disgrace upon herself. But under this veil of friendship and generosity, Elizabeth concealed sentiments of a different nature. She expected that the Regent would accuse Mary of being accessory to the murder of her husband. She encouraged him, as far as decency would permit, to take this desperate step⁵⁸. And as this accusation might terminate in two different ways, she had concerted measures for her future conduct suitable to each of these. If the charge against Mary should appear to be well founded, she resolved to pronounce her unworthy of wearing a crown, and to declare that she would never burden her own conscience with the guilt of an action so detestable as the restoring her to her kingdom⁵⁹. If it should happen, that what her accusers alleged did not amount to a proof of guilt, but only of mal-administration, she determined to set on foot a treaty for restoring her, but on such conditions as would render her hereafter dependent, not only upon England, but upon her own subjects⁶⁰. As every step in the progress of the conference, as well as the final result of it, was in Elizabeth's own power, she would still be at liberty to choose which of these courses she should hold; or, if there appeared to be any danger or inconvenience in pursuing either of them, she might protract the

⁵⁸ Anders. vol. iv. part ii. 11. 45. Haynes, 487.

⁵⁹ Anders. vol. iv. part ii. 11.

⁶⁰ Id. *ibid.* 16.

whole cause by endless delays, and involve it in inextricable perplexity.

The conference, however, was opened with much solemnity. But the very first step discovered it to be Elizabeth's intention to inflame, rather than to extinguish the dissensions and animosities among the Scots. No endeavours were used to reconcile the contending parties, or to mollify the fierceness of their hatred, by bringing the Queen to offer pardon for what was past, or her subjects to promise more dutiful obedience for the future. On the contrary, Mary's commissioners were permitted to prefer a complaint against the Regent and his party, containing an enumeration of their treasonable actions, of their seizing her person by force of arms, committing her to prison, compelling her to resign the crown, and making use of her son's name to colour their usurpation of the whole royal authority; and of all these enormities they required such speedy and effectual redress as the injuries of one Queen demanded from the justice of another⁶¹.

It was then expected that the Regent would have disclosed all the circumstances of that unnatural crime to which he pretended the Queen had been accessory, and would have produced evidence in support of his charge. But, far, from accusing Mary, the Regent did not even answer the complaints brought against himself. He discovered a reluctance at undertaking that office, and started many doubts and scruples, with regard to which he demanded to be resolved by Elizabeth herself⁶². His reserve and hesitation were no less surprising to the greater part of the English commissioners than to his own associates. They knew that he could not vindicate his own conduct without charging the murder upon the Queen, and he had not hitherto

⁶¹ Anders. vol. iv. part ii. 52.

⁶² Haynes, 478.

shown any extraordinary delicacy on that head. An intrigue, however, had been secretly carried on, since his arrival at York, which explains this mystery.

The Duke of Norfolk was, at that time, the most powerful and most popular man in England. His wife was lately dead; and he began already to form a project, which he afterwards more openly avowed, of mounting the throne of Scotland by a marriage with the Queen of Scots. He saw the infamy which would be the consequence of a public accusation against Mary, and how prejudicial it might be to her pretensions to the English succession. In order to save her from this cruel mortification, he applied to Maitland, and expressed his astonishment at seeing a man of so much reputation for wisdom, concurring with the Regent in a measure so dishonourable to themselves, to their Queen, and to their country; submitting the public transactions of the nation to the judgment of foreigners; and publishing the ignominy and exposing the faults of their sovereign, which they were bound, in good policy, as well as in duty, to conceal and to cover. It was easy for Maitland, whose sentiments were the same with the Duke's, to vindicate his own conduct. He assured him that he had employed all his credit to dissuade his countrymen from this measure; and would still contribute, to the utmost of his power, to divert them from it. This encouraged Norfolk to communicate the matter to the Regent. He repeated and enforced the same arguments which he had used with Maitland. He warned him of the danger to which he must expose himself by such a violent action as the public accusation of his sovereign. Mary would never forgive a man who had endeavoured to fix such a brand of infamy on her character. If she ever recovered any degree of power, his destruction would be inevitable, and he would justly merit it at her hands. Nor would Elizabeth screen

him from this, by a public approbation of his conduct. For, whatever evidence of Mary's guilt he might produce, she was resolved to give no definitive sentence in the cause. Let him only demand that the matter should be brought to a decision immediately after hearing the proof, and he would be fully convinced how false and insidious her intentions were, and, by consequence, how improper it would be for him to appear as the accuser of his own sovereign⁶³. The candour which Norfolk seemed to discover in these remonstrances, as well as the truth which they contained, made a deep impression on the Regent. He daily received the strongest assurances of Mary's willingness to be reconciled to him, if he abstained from accusing her of such an odious crime, together with the denunciations of her irreconcilable hatred, if he acted a contrary part⁶⁴. All these considerations concurred in determining him to alter his purpose, and to make trial of the expedient which the Duke had suggested.

He demanded, therefore [Oct. 9], to be informed, before he proceeded further, whether the English commissioners were empowered to declare the Queen guilty, by a judicial act; whether they would promise to pass sentence, without delay; whether the Queen should be kept under such restraint, as to prevent her from disturbing the government now established in Scotland; and whether Elizabeth, if she approved of the proceedings of the King's party, would, engage to protect it for the future⁶⁵? The paper containing these demands was signed by himself alone, without communicating it to any of his attendants, except Maitland and Melvil⁶⁶. But, lest so many precautions should excite any suspicion

⁶³ Melv. 187. Haynes, 573.

⁶⁴ Anders. vol. iv. part ii. 77. Good. vol. ii. 157. See Appendix. No. XXIX.

⁶⁵ Anders. vol. iv. part ii. 55. State Trials, i. 91, &c.

⁶⁶ Anders. vol. iv. part ii. 56. Melv. 190.

of their proceedings, from some consciousness of defect in the evidence which he had to produce against his sovereign, Murray empowered Lethington, Macgill, and Buchanan, to wait upon the Duke of Norfolk, the Earl of Sussex, and Sir Ralph Sadler, and to lay before them, not in their public characters as commissioners, but as private persons, Mary's letters to Bothwell, her sonnets, and all the other papers upon which was founded the charge of her being accessory to the murder of the King, and to declare that this confidential communication was made to them, with a view to learn whether the Queen of England would consider this evidence as sufficient to establish the truth of the accusation. Nothing could be more natural than the Regent's solicitude to know on what footing he stood. To have ventured on a step so uncommon and dangerous, as the accusing his sovereign, without previously ascertaining that he might take it with safety, would have been unpardonable imprudence. But Elizabeth, who did not expect that he would have moved any such difficulty, had not empowered her commissioners to give him that satisfaction which he demanded. It became necessary to transmit the articles to herself, and by the light in which Norfolk placed them, it is easy to see that he wished that they should make no slight impression on Elizabeth and her ministers. "Think not the Scots," said he, "over-scrupulous or precise. Let us view their conduct as we would wish our own to be viewed in a like situation. The game they play is deep; their estates, their lives, their honour, are at stake. It is now in their own power to be reconciled to their Queen, or to offend her irrecoverably; and, in a matter of so much importance, the utmost degree of caution is not excessive⁶⁷."

⁶⁷ Anders, vol. iv. 77.

While the English commissioners waited for fuller instructions with regard to the Regent's demands, he gave an answer to the complaint which had been offered in the name of the Scottish Queen. It was expressed in terms perfectly conformable to the system which he had at that time adopted. It contained no insinuation of the Queen's being accessory to the murder of her husband ; the bitterness of style peculiar to the age was considerably abated ; and though he pleaded, that the infamy of the marriage with Bothwell made it necessary to take arms in order to dissolve it ; though Mary's attachment to a man so odious justified the keeping her for some time under restraint ; yet nothing more was said on these subjects than was barely requisite in his own defence. The Queen's commissioners did not fail to reply⁶⁸. But while the article with respect to the murder remained untouched, these were only skirmishes at a distance, of no consequence towards ending the contest, and were little regarded by Elizabeth or her commissioners.

The conference had, hitherto, been conducted in a manner which disappointed Elizabeth's views, and produced none of those discoveries which she had expected. The distance between York and London, and the necessity of consulting her upon every difficulty which occurred, consumed much time. Norfolk's negotiation with the Scottish Regent, however secretly carried on, was not, in all probability, unknown to a Princess so remarkable for her sagacity in penetrating the designs of her enemies, and seeing through their deepest schemes⁶⁹. Instead, therefore, of returning any answer to the Regent's demands, she resolved to remove the conference to Westminster, and to appoint new commissioners, in

⁶⁸ Anders. vol. iv. part ii. 64. 80.

⁶⁹ Good. vol. ii. 160. Anders. vol. iii. 24.

whom she could more absolutely confide. Both the Queen of Scots and the Regent were brought, without difficulty to approve of this resolution⁷⁰.

We often find Mary boasting of the superiority in argument obtained by her commissioners during the conference at York, and how, by the strength of their reasons, they confounded her adversaries, and silenced all their cavils⁷¹. The dispute stood, at that time, on a footing which rendered her victory not only apparent, but easy. Her participation of the guilt of the King's murder was the circumstance upon which her subjects must have rested, as a justification of their violent proceedings against her; and, while they industriously avoided mentioning that, her cause gained as much as that of her adversaries lost by suppressing this capital argument.

Elizabeth resolved that Mary should not enjoy the same advantage in the conference to be held at Westminster. She deliberated with the utmost anxiety, how she might overcome the Regent's scruples, and persuade him to accuse the Queen. She considered of the most proper method for bringing Mary's commissioners to answer such an accusation; and as she foresaw that the promises with which it was necessary to allure the Regent, and which it was impossible to conceal from the Scottish Queen, would naturally exasperate her to a great degree, she determined to guard her more narrowly than ever; and, though Lord Scrope had given her no reason to distrust his vigilance or fidelity, yet, because he was the Duke of Norfolk's brother-in-law, she thought it proper to remove the Queen as soon as possible to Tuthbury in Staffordshire, and commit her to the keeping of the Earl of Shrewsbury, to whom that castle belonged⁷².

Mary began to suspect the design of this second

⁷⁰ Haynes, 484. Anders. vol. iv. 94.

⁷¹ Good. vol. i. 186. 284. 350.

⁷² Haynes, 487.

conference; and, notwithstanding the satisfaction she expressed at seeing her cause taken more immediately under the Queen's own eye⁷³, she framed her instructions to her commissioners in such a manner as to avoid being brought under the necessity of answering the accusation of her subjects, if they should be so desperate as to exhibit one against her⁷⁴. These suspicions were soon confirmed by a circumstance extremely mortifying. The Regent having arrived at London, in order to be present at the conference, was immediately admitted into Elizabeth's presence, and received by her, not only with respect, but with affection. This Mary justly considered as an open declaration of the Queen's partiality towards her adversaries. In the first emotions of her resentment [Nov. 22], she wrote to her commissioners, and commanded them to complain, in the presence of the English nobles, and before the ambassadors of foreign Princes, of the usage she had hitherto met with, and the additional injuries which she had reason to apprehend. Her rebellious subjects were allowed access to the Queen, she was excluded from her presence; they enjoyed full liberty, she languished under a long imprisonment; they were encouraged to accuse her, in defending herself she laboured under every disadvantage. For these reasons she once more renewed her demand, of being admitted into the Queen's presence; and, if that were denied, she instructed them to declare, that she recalled the consent which she had given to the conference at Westminster, and protested, that whatever was done there should be held to be null and invalid⁷⁵.

This, perhaps, was the most prudent resolution Mary could have taken. The pretences on which she declined the conference were plausible, and the

⁷³ Anders. vol. iv. part ii. 95.

⁷⁴ Good. vol. ii. 349.

⁷⁵ Good. vol. ii. 184.

juncture for offering them well chosen. But either the Queen's letter did not reach her commissioners in due time, or they suffered themselves to be deceived by Elizabeth's professions of regard for their mistress, and consented to the opening of the conference⁷⁶.

To the commissioners who had appeared in her name at York [Nov. 25], Elizabeth now added Sir Nicholas Bacon, keeper of the great seal, the Earls of Arundel and Leicester, Lord Clinton, and Sir William Cecil⁷⁷. The difficulties which obstructed the proceedings at York were quickly removed. A satisfying answer was given to the Regent's demands; nor was he so much disposed to hesitate, and raise objections, as formerly. His negotiation with Norfolk had been discovered to Morton by some of Mary's attendants, and he had communicated it to Cecil⁷⁸. His personal safety, as well as the continuance of his power, depended on Elizabeth. By favouring Mary, she might at any time ruin him; and by a question which she artfully started, concerning the person who had a right, by the law of Scotland, to govern the kingdom during a minority, she let him see, that even without restoring the Queen, it was an easy matter for her to deprive him of the supreme direction of affairs⁷⁹. These considerations, which were powerfully seconded by most of his attendants, at length determined the Regent to produce his accusation against the Queen.

He endeavoured to lessen the obloquy with which he was sensible this action would be attended, by protesting that it was with the utmost reluctance he undertook this disagreeable task; that his party had long suffered their conduct to be misconstrued, and had borne the worst imputations in silence, rather than expose the crimes of their sovereign to the eyes

⁷⁶ Anders. vol. iii. 25.

⁷⁷ Ibid. vol. iv. part ii. 99.

⁷⁸ Melv. 191.

⁷⁹ Haynes, 844.

of strangers ; but that now the insolence and impotency of the adverse faction forced them to publish what they had hitherto, though with loss to themselves, endeavoured to conceal⁸⁰. These pretexts are decent ; and the considerations which he mentions had, during some time, a real influence upon the conduct of the party ; but, since the meeting of Parliament held in December, they had discovered so little delicacy and reserve with respect to the Queen's actions, as renders it impossible to give credit to those studied professions. The Regent and his associates were drawn, it is plain, partly by the necessity of their affairs, and partly by Elizabeth's artifices, into a situation where no liberty of choice was left to them ; and they were obliged either to acknowledge themselves to be guilty of rebellion, or to charge Mary with having been accessary to the commission of murder.

The accusation itself was conceived in the strongest terms. Mary was charged, not only with having consented to the murder, but with being accessary to the contrivance and execution of it. Bothwell, it was pretended, had been screened from the pursuits of justice by her favour ; and she had formed designs no less dangerous to the life of the young Prince, than subversive of the liberties and constitution of the kingdom. If any of these crimes should be denied, an offer was made to produce the most ample and undoubted evidence in confirmation of the charge⁸¹.

At the next meeting of the commissioners [Nov. 29], the Earl of Lennox appeared before them ; and after bewailing the tragical and unnatural murder of his son, he implored Elizabeth's justice against the Queen of Scots, whom he accused, upon oath, of being the author of that crime, and produced papers, which, as he pretended, would make good what he

⁸⁰ Anders. vol. iv. part ii. 115.

⁸¹ Ibid. 119.

alleged. The entrance of a new actor on the stage so opportunely, and at a juncture so critical, can scarce be imputed to chance. This contrivance was manifestly Elizabeth's, in order to increase, by this additional accusation, the infamy of the Scottish Queen⁸².

Mary's commissioners expressed the utmost surprise and indignation at the Regent's presumption in loading the Queen with calumnies [Dec. 4], which, as they affirmed, she had so little merited. But, instead of attempting to vindicate her honour, by a reply to the charge, they had recourse to an article in their instructions, which they had formerly neglected to mention in its proper place. They demanded an audience of Elizabeth; and having renewed their mistress's request of a personal interview, they protested, if that were denied her, against all the future proceedings of the commissioners⁸³. A protestation of this nature, offered just at the critical time when such a bold accusation had been preferred against Mary, and when the proofs in support of it were ready to be examined, gave reason to suspect that she dreaded the event of that examination. This suspicion received the strongest confirmation from another circumstance: Ross and Herries, before they were introduced to Elizabeth, in order to make this protestation, privately acquainted Leicester and Cecil, that as their mistress had, from the beginning, discovered an inclination towards bringing the differences between herself and her subjects to an amicable accommodation, so she was still desirous, notwithstanding the Regent's audacious accusation, that they should be terminated in that manner⁸⁴.

Such moderation seems hardly to be compatible with the strong resentment which calumniated inno-

⁸² Anders. vol. iv. part ii. 122.

⁸³ Ibid. 133. 158, &c.

⁸⁴ Ibid. iv. 134. Cabbala, 157.

cence naturally feels; or with that eagerness to vindicate itself which it always discovers. In Mary's situation, an offer so ill-timed must be considered as a confession of the weakness of her cause. The known character of her commissioners exempts them from the imputation of folly, or the suspicion of treachery. Some secret conviction, that the conduct of their mistress could not bear so strict a scrutiny as must be made into it, if they should reply to the accusation preferred by Murray against her, seems to be the most probable motive of this imprudent proposal, by which they endeavoured to avoid it.

It appeared in this light to Elizabeth [Dec. 4], and afforded her a pretence for rejecting it. She represented to Mary's commissioners, that in the present juncture, nothing could be so dishonourable to their mistress as an accommodation; and that the matter would seem to be huddled up in this manner, merely to suppress discoveries, and to hide her shame; nor was it possible that Mary could be admitted, with any decency, into her presence, while she lay under the infamy of such a public accusation.

Upon this repulse Mary's commissioners withdrew; and as they had declined answering, there seemed now to be no further reason for the Regent's producing the proofs in support of his charge. But without getting these into her hands, Elizabeth's schemes were incomplete; and her artifice for this purpose was as mean, but as successful, as any she had hitherto employed. She commanded her commissioners to testify her indignation and displeasure at the Regent's presumption in forgetting so far the duty of a subject, as to accuse his sovereign of such atrocious crimes. He, in order to regain the good opinion of such a powerful protectress, offered to show that his accusations were not malicious or ill grounded. Then were produced and submitted to the inspection of the English commissioners, the

acts of the Scottish Parliament in confirmation of the Regent's authority, and of the Queen's resignation; the confessions of the persons executed for the King's murder; and the fatal casket which contained the letters, sonnets, and contracts that have been so often mentioned.

As soon as Elizabeth got these into her possession, she laid them before her privy council [Dec. 14], to which she joined on this occasion several noblemen of the greatest eminence in her kingdom; in order that they might have an opportunity of considering the mode in which an inquiry of such public importance had been hitherto conducted, as well as the amount of the evidence now brought against a person who claimed a preferable right of succession to the English crown. In this respectable assembly all the proceedings in the conferences at York and Westminster were reviewed, and the evidence produced by the Regent of Scotland against his sovereign was examined with attention. In particular, the letters and other papers said to be written by the Queen of Scots, were carefully compared, "for the manner of writing and orthography," with a variety of letters which Elizabeth had received at different times from the Scottish Queen; and, as the result of a most accurate collation, the members of the privy council, and noblemen conjoined with them, declared that no difference between these could be discovered⁸⁵. Elizabeth having established a fact so unfavourable to her rival, began to lay aside the expressions of friendship and respect which she had hitherto used in all her letters to the Scottish Queen. She now wrote to her in such terms, as if the presumptions of her guilt had amounted almost to certainty; she blamed her for refusing to vindicate herself from an accusation which could not be left unanswered, without a manifest injury to her cha-

⁸⁵ Anders. vol. iv. part ii. 170, &c.

racter, and plainly intimated, that unless that were done, no change would be made in her present situation⁸⁶. She hoped that such a discovery of her sentiments would intimidate Mary, who was hardly recovered from the shock of the Regent's attack on her reputation, and force her to confirm her resignation of the crown, to ratify Murray's authority as Regent, and to consent that both herself and her son should reside in England, under English protection. This scheme Elizabeth had much at heart; she proposed it both to Mary and to her commissioners, and neglected no argument or artifice that could possibly recommend it. Mary saw how fatal this would prove to her reputation, to her pretensions, and even to her personal safety. She rejected it without hesitation. "Death," said she, "is less dreadful than such an ignominious step. Rather than give away, with my own hands, the crown which descended to me from my ancestors, I will part with life; but the last words I utter, shall be those of a Queen of Scotland⁸⁷."

At the same time she seems to have been sensible how open her reputation lay to censure, while she suffered such a public accusation to remain unanswered; and though the conference was now dissolved, she empowered her commissioners to present a reply to the allegations of her enemies, in which she denied in the strongest terms the crimes imputed to her; and recriminated upon the Regent and his party, by accusing them of having devised and executed the murder of the King⁸⁸ [Dec. 24]. The Regent and his associates asserted their innocence with great warmth. Mary continued to insist on a personal interview, a condition which she knew would never be granted⁸⁹. Elizabeth urged her to

⁸⁶ Anders. vol. iv. part ii. 179. 183. Good. vol. ii. 260.

⁸⁷ Haynes, 497. See App. No. XXX. Good. vol. ii. 274. 301.

⁸⁸ Good. ii. 285.

⁸⁹ Ibid. 283. Cabbala, 157.

vindicate her own honour. But it is evident from the delays, the evasions, and subterfuges, to which both Queens had recourse by turns, that Mary avoided, and Elizabeth did not desire to make, any further progress in the inquiry.

1569.] The Regent was now impatient to return into Scotland, where his adversaries were endeavouring, in his absence, to raise some commotions. Before he set out, [Feb. 2,] he was called into the privy council, to receive a final declaration of Elizabeth's sentiments. Cecil acquainted him, in her name, that, on one hand, nothing had been objected to his conduct, which she could reckon detrimental to his honour, or inconsistent with his duty; nor had he, on the other hand, produced any thing against his sovereign, on which she could found an unfavourable opinion of her actions; and, for this reason, she resolved to leave all the affairs of Scotland precisely in the same situation in which she had found them at the beginning of the conference. The Queen's commissioners were dismissed much in the same manner⁹⁰.

After the attention of both nations had been fixed so earnestly on this conference upwards of four months, such a conclusion of the whole appears, at first sight, trifling and ridiculous. Nothing, however, could be more favourable to Elizabeth's future schemes. Notwithstanding her seeming impartiality, she had no thoughts of continuing neuter; nor was she at any loss on whom to bestow her protection. Before the Regent left London, she supplied him with a considerable sum of money, and engaged to support the King's authority to the utmost of her power⁹¹. Mary, by her own conduct, fortified this resolution. Enraged at the repeated instances of Elizabeth's artifice and deceit, which she had discovered during the progress of the conference, and

⁹⁰ Good. ii. 315. 333.

⁹¹ Ibid. 313. Carte, iii. 478.

despairing of ever obtaining any succour from her, she endeavoured to rouse her own adherents in Scotland to arms, by imputing such designs to Elizabeth and Murray, as could not fail to inspire every Scotchman with indignation. Murray, she pretended, had agreed to convey the Prince her son into England; to surrender to Elizabeth the places of greatest strength in the kingdom; and to acknowledge the dependence of the Scottish upon the English nation. In return for this, Murray was to be declared the lawful heir to the crown of Scotland; and, at the same time, the question with regard to the English succession was to be decided in favour of the Earl of Hartford, who had promised to marry one of Cecil's daughters. An account of these wild and chimerical projects was spread industriously among the Scots. Elizabeth, perceiving it was calculated of purpose to bring her government into disreputation, laboured to destroy its effects, by a counter-proclamation, and became more disgusted than ever with the Scottish Queen⁹².

The Regent, on his return, found the kingdom in the utmost tranquillity. But the rage of the Queen's adherents, which had been suspended in expectation that the conference in England would terminate to her advantage, was now ready to break out with all the violence of civil war. They were encouraged too by the appearance of a leader, whose high quality and pretensions entitled him to great authority in the nation. This was the Duke of Chatelherault, who had resided for some years in France, and was now sent over by that court with a small supply of money, in hopes that the presence of the first nobleman in the kingdom would strengthen the Queen's party. Elizabeth had detained him in England for some months, under various pretences, but was obliged at last to suffer him to proceed on his jour-

⁹² Haynes, 500. 503. See Append. No. XXXI.

ney. Before his departure [Feb. 25], Mary invested him with the high dignity of her lieutenant-general in Scotland, together with the fantastic title of her adopted father.

The Regent did not give him time to form his party into any regular body. He assembled an army with his usual expedition, and marched to Glasgow. The followers of Argyll and Huntly, who composed the chief part of the Queen's faction, being seated in corners of the kingdom very distant from each other, and many of the Duke's dependants having been killed or taken in the battle of Langside, the spirit and strength of his adherents were totally broken, and an accommodation with the Regent was the only thing which could prevent the ruin of his estate and vassals. This was effected without difficulty, and on no unreasonable terms. The Duke promised to acknowledge the authority both of the King and of the Regent; and to claim no jurisdiction in consequence of the commission which he had received from the Queen. The Regent bound himself to repeal the act which had passed for attainting several of the Queen's adherents; to restore all who would submit to the King's government to the possession of their estates and honours; and to hold a convention, wherein all the differences between the two parties should be settled by mutual consent. The Duke gave hostages for his faithful performance of the treaty; and, in token of their sincerity, he and Lord Herries accompanied the Regent to Stirling, and visited the young King. The Regent set at liberty the prisoners taken at Langside⁹³.

Argyll and Huntly refused to be included in this treaty. A secret negotiation was carrying on in England, in favour of the captive Queen, with so much success that her affairs began to wear a better aspect, and her return into her own kingdom seemed

⁹³ Cabbala, 161. Crawf. Mem. 106.

to be an event not very distant. The French King had lately obtained such advantages over the Hugonots, that the extinction of that party appeared to be inevitable; and France, by recovering domestic tranquillity, would be no longer prevented from protecting her friends in Britain. These circumstances not only influenced Argyll and Huntly, but made so deep an impression on the Duke, that he appeared to be wavering and irresolute, and plainly discovered that he wished to evade the accomplishment of the treaty. The Regent saw the danger of allowing the Duke to shake himself loose, in this manner, from his engagements; and instantly formed a resolution equally bold and politic. He commanded his guards to seize Chatelherault in his own house in Edinburgh, whither he had come in order to attend the convention agreed upon; and, regardless either of his dignity as the first nobleman in the kingdom and next heir to the crown, or of the promises of personal security, on which he had relied, committed him and Lord Herries prisoners to the castle of Edinburgh⁹⁴. A blow so fatal and unexpected dispirited the party. Argyll submitted to the King's government, and made his peace with the Regent on very easy terms; and Huntly being left alone, was at last obliged to lay down his arms.

Soon after, Lord Boyd returned into Scotland, and brought letters to the Regent, both from the English and Scottish Queens. A convention was held at Perth, in order to consider them. Elizabeth's letter contained three different proposals with regard to Mary: that she should either be restored to the full possession of her former authority; or be admitted to reign jointly with the King her son; or at least be allowed to reside in Scotland in some decent retirement, without any share in the administration of government. These overtures were extorted by

⁹⁴ *Crawf. Mem.* 111. *Melv.* 202.

the importunity of Fenelon the French ambassador, and have some appearance of being favourable to the captive Queen. They were, however, perfectly suitable to Elizabeth's general system with regard to Scottish affairs. Among propositions so unequal and disproportionate, she easily saw where the choice would fall. The two former were rejected; and long delays must necessarily have intervened, and many difficulties have arisen, before every circumstance relative to the last could be finally adjusted⁹⁵.

Mary, in her letter, demanded that her marriage with Bothwell should be reviewed by the proper judges, and, if found invalid, should be dissolved by a legal sentence of divorce. This fatal marriage was the principal source of all the calamities she had endured for two years; a divorce was the only thing which could repair the injuries her reputation had suffered by that step. It was her interest to have proposed it early; and it is not easy to account for her long silence with respect to this point. Her particular motive for proposing it at this time began to be so well known, that the demand was rejected by the convention of estates⁹⁶. They imputed it not so much to any abhorrence of Bothwell, as to her eagerness to conclude a marriage with the Duke of Norfolk.

This marriage was the object of that secret negotiation in England which I have already mentioned. The fertile and projecting genius of Maitland first conceived this scheme. During the conference at York, he communicated it to the Duke himself, and to the Bishop of Ross. The former readily closed with a scheme so flattering to his ambition. The

⁹⁵ Spotswood, 230.

⁹⁶ Spotsw. 231. In a privy council, held July 30, 1569, this demand was considered; and, of fifty-one members present, only seven voted to comply with the Queen's request. Records Priv. Counc. MS. in the Lyon Office, p. 148.

latter considered it as a probable device for restoring his mistress to liberty, and replacing her on her throne. Nor was Mary, with whom Norfolk held a correspondence by means of his sister Lady Scrope, averse from a measure, which would have restored her to her kingdom with so much splendour⁹⁷. The sudden removal of the conference from York to Westminster suspended, but did not break off, this intrigue. Maitland and Ross were still the Duke's prompters and his agents; and many letters and love-tokens were exchanged between him and the Queen of Scots.

But as he could not hope, that under an administration so vigilant as Elizabeth's such an intrigue could be kept long concealed, he attempted to deceive her by the appearance of openness and candour, an artifice which seldom fails of success. He mentioned to her the rumour that was spread of his marriage with the Scottish Queen; he complained of it as a groundless calumny; and disclaimed all thoughts of that kind, with many expressions full of contempt both for Mary's character and dominions. Jealous as Elizabeth was of every thing relative to the Queen of Scots, she seems to have credited these professions⁹⁸. But, instead of discontinuing the negotiation, he renewed it with greater vigour, and admitted into it new associates. Among these was the Regent of Scotland. He had given great offence to Norfolk, by his public accusation of the Queen, in breach of the concert into which he had entered at York. He was then ready to return into Scotland. The influence of the Duke in the north of England was great. The Earls of Northumberland and Westmorland, the most powerful noblemen in that part of the kingdom, threatened to revenge upon the Regent the injuries which he had done his sovereign.

⁹⁷ Camd. 419. Haynes, 573. State Trials, i. 73.

⁹⁸ Haynes, 574. State Trials, i. 79, 80. 99.

Murray, in order to secure a safe return into Scotland, addressed himself to Norfolk; and after some apology for his past conduct, he insinuated that the Duke's scheme of marrying the Queen his sister was no less acceptable to him than beneficial to both kingdoms, and that he would concur with the utmost ardour in promoting so desirable an event⁹⁹. Norfolk heard him with the credulity natural to those who are passionately bent upon any design. He wrote to the two Earls to desist from any hostile attempt against Murray, and to that he owed his passage through the northern counties without disturbance.

Encouraged by his success in gaining the Regent, he next attempted to draw the English nobles to approve his design. The nation began to despair of Elizabeth's marrying. Her jealousy kept the question with regard to the right of succession undecided. The memory of the civil wars which had desolated England for more than a century, on account of the disputed titles of the houses of York and Lancaster, was still recent. Almost all the ancient nobility had perished, and the nation itself had been brought to the brink of destruction in that unhappy contest. The Scottish Queen, though her right of succession was generally held to be undoubted, might meet with formidable competitors. She might marry a foreign and a Popish Prince, and bring both liberty and religion into danger. But, by marrying her to an Englishman, a zealous Protestant, the most powerful and most universally beloved of all the nobility, an effectual remedy seemed to be provided against all these evils. The greater part of the Peers, either directly or tacitly, approved of it, as a salutary project. The Earls of Arundel, Pembroke, Leicester, and Lord Lumley, subscribed a letter to the Scottish Queen, written with Leicester's hand, in which they warmly recommended the match,

⁹⁹ Anders. iii. 34.

but insisted, by way of preliminary, on Mary's promise, that she should attempt nothing, in consequence of her pretensions to the English crown, prejudicial to Elizabeth, or to her posterity; that she should consent to a league, offensive and defensive, between the two kingdoms; that she should confirm the present establishment of religion in Scotland, and receive into favour such of her subjects as had appeared in arms against her. Upon her agreeing to the marriage and ratifying these articles, they engaged that the English nobles would not only concur in restoring her immediately to her own throne, but in securing to her that of England in reversion. Mary readily consented to all these proposals, except the second, with regard to which she demanded some time for consulting her ancient ally the French King¹⁰⁰.

The whole of this negotiation was industriously concealed from Elizabeth. Her jealousy of the Scottish Queen was well known, nor could it be expected that she would willingly come into a measure which tended so visibly to save the reputation and to increase the power of her rival. But, in a matter of so much consequence to the nation, the taking a few steps without her knowledge could hardly be reckoned criminal; and while every person concerned, even Mary and Norfolk themselves, declared, that nothing should be concluded without obtaining her consent, the duty and allegiance of subjects seemed to be fully preserved. The greater part of the nobles regarded the matter in this light. Those who conducted the intrigue had further and more dangerous views. They saw the advantages which Mary would obtain by this treaty, to be present and certain; and the execution of the promises which she came under, to be distant and uncertain. They had early communicated their scheme to the Kings of France and

¹⁰⁰ Anders. vol. iii. 51. Camd. 420.

Spain, and obtained their approbation¹. A treaty concerning which they consulted foreign Princes, while they concealed it from their own sovereign, could not be deemed innocent. They hoped, however, that the union of such a number of the chief persons in the kingdom would render it necessary for Elizabeth to comply; they flattered themselves that a combination so strong would be altogether irresistible; and such was their confidence of success, that when a plan was concerted in the north of England for rescuing Mary out of the hands of her keepers, Norfolk, who was afraid that if she recovered her liberty her sentiments in his favour might change, used all his interest to dissuade the conspirators from attempting it².

In this situation did the affair remain, when Lord Boyd arrived from England; and, besides the letters which he produced publicly, brought others in ciphers from Norfolk and Throckmorton, to the Regent, and to Maitland. These were full of the most sanguine hopes. All the nobles of England concurred, said they, in favouring the design.—Every preliminary was adjusted; nor was it possible that a scheme so deep laid, conducted with so much art, and supported both by power and by numbers, could miscarry, or be defeated in the execution. Nothing now was wanting but the concluding ceremony. It depended on the Regent to hasten that, by procuring a sentence of divorce, which would remove the only obstacle that stood in the way. This was expected of him, in consequence of his promise to Norfolk; and if he regarded either his interest or his fame, or even his safety, he would not fail to fulfil these engagements³.

But the Regent was now in very different circumstances from those which had formerly induced him

¹ Anders. vol. iii. 63.

² Camd. 420.

³ Haynes, 520. Spotsw. 230. See Appendix, No. XXXII.

to affect an approbation of Norfolk's schemes. He saw that the downfall of his own power must be the first consequence of the Duke's success; and if the Queen, who considered him as the chief author of all her misfortunes, should recover her ancient authority, he could never expect favour, nor scarce hope for impunity. No wonder he declined a step so fatal to himself, and which would have established the grandeur of another on the ruins of his own. This refusal occasioned a delay. But, as every other circumstance was settled, the Bishop of Ross, in the name of his mistress, and the Duke, in person, declared, in presence of the French ambassador, their mutual consent to the marriage, and a contract to this purpose was signed, and intrusted to the keeping of the ambassador⁴.

The intrigue was now in so many hands, that it could not long remain a secret. It began to be whispered at court; and Elizabeth calling the Duke into her presence [Aug. 13], expressed the utmost indignation at his conduct, and charged him to lay aside all thoughts of prosecuting such a dangerous design. Soon after Leicester, who perhaps had countenanced the project with no other intention, revealed all the circumstances of it to the Queen. Pembroke, Arundel, Lumley, and Throckmorton were confined and examined. Mary was watched more narrowly than ever; and Hastings, Earl of Huntingdon, who pretended to dispute with the Scottish Queen her right to the succession, being joined in commission with Shrewsbury, rendered her imprisonment more intolerable by the excess of his vigilance and rigour⁵. The Scottish Regent, threatened with Elizabeth's displeasure, meanly betrayed the Duke; put his letters into her hands, and furnished all the intelligence in his power⁶. The Duke himself re-

⁴ Carte, vol. iii. 466.

⁵ Haynes, 525, 526. 530. 532.

⁶ See Append. No. XXXIII.

tired first to Howard House, and then, in contempt of the summons to appear before the privy council, fled to his seat in Norfolk. Intimidated by the imprisonment of his associates; coldly received by his friends in that county; unprepared for a rebellion; and unwilling perhaps to rebel; he hesitated for some days, and at last obeyed a second call, and repaired to Windsor [Oct. 3]. He was first kept as a prisoner in a private house, and then sent to the Tower. After being confined there upwards of nine months, he was released upon his humble submission to Elizabeth, giving her a promise, on his allegiance, to hold no further correspondence with the Queen of Scots⁷. During the progress of Norfolk's negotiations, the Queen's partisans in Scotland, who made no doubt of their issuing in her restoration to the throne, with an increase of authority, were wonderfully elevated. Maitland was the soul of that party, and the person whose activity and ability the Regent chiefly dreaded. He had laid the plan of that intrigue which had kindled such combustion in England. He continued to foment the spirit of disaffection in Scotland, and had seduced from the Regent Lord Home, Kirkaldy, and several of his former associates. While he enjoyed liberty, the Regent could not reckon his own power secure. For this reason, having by an artifice allured Maitland to Stirling, he employed Captain Crawford, one of his creatures, to accuse him of being accessory to the murder of the King; and under that pretence he was arrested, and carried as a prisoner to Edinburgh. He would soon have been brought to trial, but was saved by the friendship of Kirkaldy, governor of the castle, who, by pretending a warrant for that purpose from the Regent, got him out of the hands of the person to whose care he was committed, and conducted him into the castle, which from that time

⁷ Haynes, 525. 597.

was entirely under Maitland's command⁸. The loss of a place of so much importance, and the defection of a man so eminent for military skill as Kirkaldy, brought the Regent into some disreputation, for which, however, the success of his ally Elizabeth, about this time, abundantly compensated.

The intrigue carried on for restoring the Scottish Queen to liberty having been discovered and disappointed, an attempt was made to the same purpose by force of arms; but the issue of it was not more fortunate. The Earls of Northumberland and Westmorland, though little distinguished by their personal abilities, were two of the most ancient and powerful of the English peers. Their estates in the northern counties were great, and they possessed that influence over the inhabitants, which was hereditary in the popular and martial families of Percy and of Nevil. They were both attached to the Popish religion, and discontented with the court, where new men and a new system prevailed. Ever since Mary's arrival in England, they had warmly espoused her interest; and zeal for Popery, opposition to the court, and commiseration of her sufferings, had engaged them in different plots for her relief. Notwithstanding the vigilance of her keeper, they held a close correspondence with her, and communicated to her all their designs⁹. They were privy to Norfolk's schemes; but the caution with which he proceeded did not suit their ardour and impetuosity. The liberty of the Scottish Queen was not their sole object. They aimed at bringing about a change in the religion, and a revolution in the government, of the kingdom. For this reason they solicited the aid of the King of Spain, the avowed and zealous patron of Popery in that age. Nothing could be more delightful to the restless spirit of Philip, or more necessary towards facilitating his schemes in the Netherlands than the

⁸ Spotsw. 232.

⁹ Haynes, 595. Murden, 41. 62, &c.

involving England in the confusion and miseries of a civil war. The Duke of Alva, by his direction, encouraged the two Earls, and promised, as soon as they either took the field with their forces, or surprised any place of strength, or rescued the Queen of Scots, that he would supply them both with money and a strong body of troops. La Mothe, the governor of Dunkirk, in the disguise of a sailor, sounded the ports where it would be most proper to land. And Chiapini Vitelli, one of Alva's ablest officers, was dispatched into England, on pretence of settling some commercial differences between the two nations; but in reality that the rebels might be sure of a leader of experience as soon as they ventured to take arms¹⁰.

The conduct of this negotiation occasioned many meetings and messages between the two Earls. Elizabeth was informed of these; and though she suspected nothing of their real design, she concluded that they were among the number of Norfolk's confidants. They were summoned, for this reason, to repair to court. Conscious of guilt, and afraid of discovery, they delayed giving obedience. A second and more peremptory order was issued [Nov. 9]. This they could not decline, without shaking off their allegiance; and, as no time was left for deliberation, they instantly erected their standard against their sovereign. The reestablishing the Catholic religion, the settling the order of succession to the crown, the defence of the ancient nobility, were the motives which they alleged to justify their rebellion¹¹. Many of the lower people flocked to them with such arms as they could procure; and, had the capacity of their leaders been in any degree equal to the enterprise, it must have soon grown to be extremely formidable. Elizabeth acted with prudence and vigour, and was served by her subjects with fidelity and

¹⁰ Carte, vol. iii. 489, 490. Camd. 421.

¹¹ Strype, vol. i. 547.

ardour. On the first rumour of an insurrection, Mary was removed to Coventry, a place of strength, which could not be taken without a regular siege; a detachment of the rebels, which was sent to rescue her, returned without success. Troops were assembled in different parts of the kingdom; as they advanced, the malecontents retired. In their retreat their numbers dwindled away, and their spirits sunk. Despair and uncertainty whither to direct their flight, kept together for some time a small body of them among the mountains of Northumberland; but they were at length obliged to disperse, and the chiefs took refuge among the Scottish borderers [Dec. 21]. The two Earls, together with the Countess of Northumberland, wandering for some days in the wastes of Liddisdale, were plundered by the banditti, exposed to the rigour of the season, and left destitute of the necessaries of life. Westmorland was concealed by Scott of Buccleugh and Ker of Fernihurst, and afterwards conveyed into the Netherlands. Northumberland was seized by the Regent, who had marched with some troops towards the borders, to prevent any impression the rebels might make on those mutinous provinces¹².

Amidst so many surprising events, the affairs of the church, for two years, have almost escaped our notice. Its general assemblies were held regularly; but no business of much importance employed their attention. As the number of the Protestant clergy daily increased, the deficiency of the funds set apart for their subsistence became greater, and was more sensibly felt. Many efforts were made towards recovering the ancient patrimony of the church, or at least as much of it as was possessed by the Popish incumbents, a race of men who were now not only useless but burdensome to the nation. But though the manner in which the Regent received the addresses

¹² Cabbala, 171. Camd. 422.

and complaints of the general assemblies, was very different from that to which they had been accustomed, no effectual remedy was provided ; and while they suffered intolerable oppression, and groaned under extreme poverty, fair words and liberal promises were all they were able to obtain¹³.

1570.] Elizabeth now began to be weary of keeping such a prisoner as the Queen of Scots. During the former year, the tranquillity of her government had been disturbed, first by a secret combination of some of her nobles, then by the rebellion of others ; and she often declared, not without reason, that Mary was the *hidden cause* of both. Many of her own subjects favoured or pitied the captive Queen ; the Roman Catholic Princes on the Continent were warmly interested in her cause. The detaining her any longer in England, she foresaw, would be made the pretext or occasion of perpetual cabals and insurrections among the former ; and might expose her to the hostile attempts of the latter. She resolved, therefore, to give up Mary into the hands of the Regent, after stipulating with him, not only that her days should not be cut short, either by a judicial sentence or by secret violence, but that she should be treated in a manner suited to her rank ; and, in order to secure his observance of this, she required that six of the chief noblemen in the kingdom should be sent into England as hostages¹⁴. With respect to the safe custody of the Queen, she relied on Murray's vigilance, whose security, no less than her own, depended on preventing Mary from reascending the throne. The negotiation for this purpose was carried some length, when it was discovered by the vigilance of the Bishop of Ross, who, together with the French and Spanish ambassadors, remonstrated against the infamy of such an action, and represented the surrendering the Queen to her rebellious subjects to be

¹³ Cald. vol. ii. 80, &c.

¹⁴ Haynes, 524.

the same thing as if Elizabeth should, by her own authority, condemn her to instant death. This procured a delay; and the murder of the Regent prevented the revival of that design¹⁵.

Hamilton of Bothwellhaugh was the person who committed this barbarous action. He had been condemned to death soon after the battle of Langside, as I have already related, and owed his life to the Regent's clemency. But part of his estate had been bestowed upon one of the Regent's favourites, who seized his house, and turned out his wife naked, in a cold night, into the open fields, where, before next morning, she became furiously mad. This injury made a deeper impression upon him than the benefit which he had received, and from that moment he vowed to be revenged upon the Regent. Party-rage strengthened and inflamed his private resentment. His kinsmen, the Hamiltons, applauded the enterprise. The maxims of that age justified the most desperate course which he could take to obtain vengeance. He followed the Regent for some time, and watched for an opportunity to strike the blow. He resolved at last to wait till his enemy should arrive at Linlithgow, through which he was to pass in his way from Stirling to Edinburgh. He took his stand in a wooden gallery, which had a window towards the street; spread a feather bed on the floor, to hinder the noise of his feet from being heard; hung up a black cloth behind him, that his shadow might not be observed from without; and after all this preparation calmly expected the Regent's approach, who had lodged during the night in a part of the town not far distant. Some indistinct information of the danger which threatened him had been conveyed to the Regent, and he paid so much regard to it that he resolved to return by the same gate through which he had entered, and to fetch a compass round

¹⁵ Carte, vol. iii. 491. Anders. vol. iii. 84.

the town. But as the crowd about the gate was great, and he himself unacquainted with fear, he proceeded directly along the street; and, the throng of the people obliging him to move very slowly, gave the assassin time to take so true an aim, that he shot him with a single bullet through the lower part of his belly, and killed the horse of a gentleman who rode on his other side. His followers instantly endeavoured to break into the house whence the blow had come, but they found the door strongly barricaded; and before it could be forced open, Hamilton had mounted a fleet horse, which stood ready for him at a back passage, and was got far beyond their reach. The Regent died the same night of his wound¹⁶.

There is no person in that age about whom historians have been more divided, or whose character has been drawn in such opposite colours. Personal intrepidity, military skill, sagacity, and vigour in the administration of civil affairs, are virtues which even his enemies allow him to have possessed in an eminent degree. His moral qualities are more dubious, and ought neither to be praised nor censured without great reserve, and many distinctions. In a fierce age he was capable of using victory with humanity, and of treating the vanquished with moderation. A patron of learning, which, among martial nobles, was either unknown or despised. Zealous for religion, to a degree which distinguished him even at a time when professions of that kind were not uncommon. His confidence in his friends was extreme, and inferior only to his liberality towards them, which knew no bounds. A disinterested passion for the liberty of his country prompted him to oppose the pernicious system which the Princes of Lorraine had obliged the Queen-mother to pursue. On Mary's return into Scotland, he served her with a zeal and affection, to which he sacrificed the friend-

¹⁶ Buchan. 385. Crawf. Mem. 124. Cabbala, 171.

ship of those who were most attached to his person. But, on the other hand, his ambition was immoderate; and events happened that opened to him vast projects, which allured his enterprising genius, and led him to actions inconsistent with the duty of a subject. His treatment of the Queen, to whose bounty he was so much indebted, was unbrotherly and ungrateful. The dependence on Elizabeth, under which he brought Scotland, was disgraceful to the nation. He deceived and betrayed Norfolk with a baseness unworthy of a man of honour. His elevation to such unexpected dignity inspired him with new passions, with haughtiness and reserve; and instead of his natural manner, which was blunt and open, he affected the arts of dissimulation and refinement. Fond, towards the end of his life, of flattery, and impatient of advice, his creatures, by soothing his vanity, led him astray, while his ancient friends stood at a distance, and predicted his approaching fall. But, amidst the turbulence and confusion of that factious period, he dispensed justice with so much impartiality, he repressed the licentious borderers with so much courage, and established such uncommon order and tranquillity in the country, that his administration was extremely popular, and he was long and affectionately remembered among the commons, by the name of the *Good Regent*.

THE
HISTORY OF SCOTLAND.

BOOK VI.

1570.

THE unexpected blow, by which the Regent was cut off, struck the King's party with the utmost consternation. Elizabeth bewailed his death as the most fatal disaster which could have befallen her kingdom; and was inconsolable to a degree that little suited her dignity. Mary's adherents exulted, as if now her restoration were not only certain, but near at hand. The infamy of the crime naturally fell on those who expressed such indecent joy at the commission of it; and, as the assassin made his escape on a horse which belonged to Lord Claud Hamilton, and fled directly to Hamilton, where he was received in triumph, it was concluded that the Regent had fallen a sacrifice to the resentment of the Queen's party, rather than to the revenge of a private man. On the day after the murder, Scott of Buccleugh, and Ker of Fernihurst, both zealous abettors of the Queen's cause, entered England in an hostile manner, and plundered and burned the country, the inhabitants of which expected no such outrage. If the Regent had been alive, they would scarce have ventured on such an irregular incursion, nor could it well have happened so soon after his death, unless they had been privy to the crime.

This was not the only irregularity to which the anarchy that followed the Regent's death gave occasion. During such general confusion, men hoped for universal impunity, and broke out into excesses of every kind. As it was impossible to restrain these without a settled form of government, a convention of the nobles was held, in order to deliberate concerning the election of a Regent [Feb. 12]. The Queen's adherents refused to be present at the meeting, and protested against its proceedings.—The King's own party was irresolute, and divided in opinion. Maitland, whom Kirkaldy had set at liberty, and who obtained from the nobles then assembled a declaration acquitting him of the crime which had been laid to his charge, endeavoured to bring about a coalition of the two parties, by proposing to admit the Queen to the joint administration of government with her son. Elizabeth, adhering to her ancient system with regard to Scottish affairs, laboured, notwithstanding the solicitations of Mary's friends¹, to multiply and to perpetuate the factions which tore in pieces the kingdom. Randolph, whom she dispatched into Scotland on the first news of the Regent's death, and who was her usual agent for such services, found all parties so exasperated by mutual injuries, and so full of irreconcilable rancour, that it cost him little trouble to inflame their animosity. The convention broke up without coming to any agreement; and a new meeting, to which the nobles of all parties were invited, was appointed on the 1st of May².

Meantime, Maitland, and Kirkaldy, who still continued to acknowledge the King's authority, were at the utmost pains to restore some degree of harmony among their countrymen. They procured for this purpose an amicable conference among the

¹ See Appendix, No. XXXIV.

² Crawf. Mem. 131. Calderw. ii. 157.

leaders of the two factions. But while the one demanded the restoration of the Queen, as the only thing which could reestablish the public tranquillity; while the other esteemed the King's authority to be so sacred that it was on no account to be called in question or impaired; and neither of them would recede in the least point from their opinions, they separated without any prospect of concord. Both were rendered more averse from reconciliation, by the hope of foreign aid. An envoy arrived from France with promises of powerful succour to the Queen's adherents; and, as the civil wars in that kingdom seemed to be on the point of terminating in peace, it was expected that Charles would soon be at liberty to fulfil what he promised. On the other hand, the Earl of Sussex was assembling a powerful army on the borders, and its operations could not fail of adding spirit and strength to the King's party³.

Though the attempt towards a coalition of the factions proved ineffectual, it contributed somewhat to moderate or suspend their rage; but they soon began to act with their usual violence. Morton, the most vigilant and able leader on the King's side, solicited Elizabeth to interpose, without delay, for the safety of a party so devoted to her interest, and which stood so much in need of her assistance. The chiefs of the Queen's faction, assembling at Linlithgow [April 10], marched thence to Edinburgh; and Kirkaldy, who was both governor of the castle and provost of the town, prevailed on the citizens, though with some difficulty, to admit them within the gates. Together with Kirkaldy, the Earl of Athole and Maitland acceded almost openly to their party; and the Duke and Lord Herries, having recovered liberty by Kirkaldy's favour, resumed the places which they had formerly held in their councils. Encouraged

³ Crawf. Mem. 134.

by the acquisition of persons so illustrious by their birth, or so eminent for their abilities, they published a proclamation, declaring their intention to support the Queen's authority, and seemed resolved not to leave the city before the meeting of the approaching Convention, in which, by their numbers and influence, they did not doubt of securing a majority of voices on their side⁴.

At the same time they had formed a design of kindling war between the two kingdoms. If they could engage them in hostilities, and revive their ancient emulation and antipathy, they hoped not only to dissolve a confederacy of great advantage to the King's cause, but to reconcile their countrymen to the Queen, Elizabeth's natural and most dangerous rival. With this view they had, immediately after the murder of the Regent, prompted Scott and Ker to commence hostilities, and had since instigated them to continue and extend their depredations. As Elizabeth foresaw, on the one hand, the dangerous consequences of rendering this a national quarrel; and resolved, on the other, not to suffer such an insult on her government to pass with impunity; she issued a proclamation, declaring that she imputed the outrages which had been committed on the borders not to the Scottish nation, but to a few desperate and ill-designing persons; that with the former she was resolved to maintain an inviolable friendship, whereas the duty which she owed to her own subjects obliged her to chastise the licentiousness of the latter⁵. Sussex and Scrope accordingly entered Scotland, the one on the east, the other on the west borders, and laid waste the adjacent countries with fire and sword⁶. Fame magnified the number and progress of their troops; and Mary's adherents, not thinking themselves safe

⁴ *Crawf.* 137. *Cald.* ii. 176.

⁵ *Calderw.* ii. 181.

⁶ *Cabbala*, 171.

in Edinburgh, the inhabitants whereof were ill affected to their cause, retired to Linlithgow [April 28]. There, by a public proclamation, they asserted the Queen's authority, and forbad giving obedience to any but the Duke, or the Earls of Argyll and Huntly, whom she had constituted her lieutenants in the kingdom.

The nobles who continued faithful to the King, though considerably weakened by the defection of so many of their friends, assembled at Edinburgh on the day appointed. They issued a counter proclamation, declaring such as appeared for the Queen enemies of their country; and charging them with the murder both of the late King and of the Regent [May 1]. They could not, however, presume so much on their own strength as to venture either to elect a Regent, or to take the field against the Queen's party; but the assistance which they received from Elizabeth enabled them to do both. By her order Sir William Drury marched into Scotland with a thousand foot and three hundred horse; the King's adherents joined him with a considerable body of troops; and advanced towards Glasgow, where the adverse party had already begun hostilities by attacking the castle, they forced them to retire, plundered the neighbouring country, which belonged to the Hamiltons, and, after seizing some of their castles, and rasing others, returned to Edinburgh.

Under Drury's protection the Earl of Lennox returned into Scotland. It was natural to commit the government of the kingdom to him during the minority of his grandson. His illustrious birth, and alliance with the royal family of England as well as of Scotland, rendered him worthy of that honour. His resentment against Mary being implacable, and his estate lying in England, and his family residing there, Elizabeth considered him as a man who, both from inclination and from interest, would act in

concert with her, and ardently wished that he might succeed Murray in the office of Regent. But, on many accounts, she did not think it prudent to discover her own sentiments, or to favour his pretensions too openly. The civil wars in France, which had been excited partly by real and partly by pretended zeal for religion, and carried on with a fierceness that did it real dishonour, appeared now to be on the point of coming to an issue; and after shedding the best blood and wasting the richest provinces in the kingdom, both parties desired peace with an ardour that facilitated the negotiations which were carrying on for that purpose. Charles IX. was known to be a passionate admirer of Mary's beauty. Nor could he in honour suffer a Queen of France, and the most ancient ally of his crown, to languish in her present cruel situation without attempting to procure her relief. He had hitherto been obliged to satisfy himself with remonstrating, by his ambassadors, against the indignity with which she had been treated. But if he were once at full liberty to pursue his inclinations, Elizabeth would have every thing to dread from the impetuosity of his temper and the power of his arms. It therefore became necessary for her to act with some reserve, and not to appear avowedly to countenance the choice of a Regent, in contempt of Mary's authority. The jealousy and prejudices of the Scots required no less management. Had she openly supported Lennox's claim; had she recommended him to the Convention, as the candidate of whom she approved; this might have roused the independent spirit of the nobles, and by too plain a discovery of her intention she might have defeated its success. For these reasons she hesitated long, and returned ambiguous answers to all the messages which she received from the King's party. A more explicit declaration of her sentiments was at last obtained, and an event of an extraordinary nature

seems to have been the occasion of it. Pope Pius V. having issued a bull, whereby he excommunicated Elizabeth, deprived her of her kingdom, and absolved her subjects from their oath of allegiance, Felton, an Englishman, had the boldness to affix it on the gates of the Bishop of London's palace. In former ages a Pope, moved by his own ambition, or pride, or bigotry, denounced this fatal sentence against the most powerful monarchs; but as the authority of the court of Rome was now less regarded, its proceedings were more cautious; and it was only when they were roused by some powerful Prince that the thunders of the church were ever heard. Elizabeth, therefore, imputed this step which the Pope had taken, to a combination of the Roman Catholic Princes against her, and suspected that some plot was formed in favour of the Scottish Queen. In that event she knew that the safety of her own kingdom depended on preserving her influence in Scotland; and in order to strengthen this she renewed her promises of protecting the King's adherents, encouraged them to proceed to the election of a Regent, and even ventured to point out the Earl of Lennox as the person who had the best title. That honour was accordingly conferred upon him in a Convention of the whole party held on the 12th of July⁷.

The Regent's first care was to prevent the meeting of the Parliament, which the Queen's party had summoned to convene at Linlithgow. Having effected that, he marched against the Earl of Huntly, Mary's lieutenant in the north, and forced the garrison which he had placed in Brechin to surrender at discretion. Soon after he made himself master of some other castles. Emboldened by this successful beginning of his administration, as well as by the appearance of a considerable army, with which the

⁷ Spotsw. 240. Cald. ii. 186. See Append. No. XXXV.

Earl of Sussex hovered on the borders, he deprived Maitland of his office of secretary, and proclaimed him, the Duke, Huntly, and other leaders of the Queen's party, traitors and enemies of their country⁸.

In this desperate situation of their affairs, the Queen's adherents had recourse to the King of Spain⁹, with whom Mary had held a close correspondence ever since her confinement in England. They prevailed on the Duke of Alva to send two of his officers to take a view of the country, and to examine its coasts and harbours; and obtained from them a small supply of money and arms, which were sent to the Earl of Huntly¹⁰. But this aid, so disproportionate to their exigencies, would have availed them little. They were indebted for their safety to a treaty which Elizabeth was carrying on, under colour of restoring the captive Queen to her throne. The first step in this negotiation had been taken in the month of May; but hitherto little progress was made in it. The peace concluded between the Roman Catholics and Hugonots in France, and her apprehensions that Charles would interpose with vigour in behalf of his sister-in-law, quickened Elizabeth's motions. She affected to treat her prisoner with more indulgence, she listened more graciously to the solicitations of foreign ambassadors in her favour, and seemed fully determined to replace her on the throne of her ancestors. As a proof of her sincerity, she laboured to procure a cessation of arms between the two contending factions in Scotland. Lennox, elated with the good fortune which had hitherto attended his administration, and flattering himself with an easy triumph over enemies whose estates were wasted, and their forces dispirited,

⁸ Crawf. Mem. 159. Cald. ii. 198.

⁹ See Append. No. XXXVI.

¹⁰ Anders. iii. 122. Crawf. Mem. 153.

refused for some time to come into this measure. It was not safe for him, however, to dispute the will of his protectress. A cessation of hostilities during two months, to commence on the third of September, was agreed upon; and, being renewed from time to time, it continued till the first of April next year¹¹.

Soon after, Elizabeth dispatched Cecil and Sir Walter Mildmay to the Queen of Scots. The dignity of these ambassadors, the former her prime minister, the latter chancellor of the exchequer and one of her ablest counsellors, convinced all parties that the negotiation was serious, and the hour of Mary's liberty was now approaching. The propositions which they made to her were advantageous to Elizabeth, but such as a Prince in Mary's situation had reason to expect. The ratification of the treaty of Edinburgh; the renouncing any pretensions to the English crown, during Elizabeth's own life, or that of her posterity; the adhering to the alliance between the two kingdoms; the pardoning her subjects who had taken arms against her; and her promising to hold no correspondence, and to countenance no enterprise, that might disturb Elizabeth's government; were among the chief articles. By way of security for the accomplishment of these, they demanded that some persons of rank should be given as hostages, that the Prince her son should reside in England, and that a few castles on the border should be put into Elizabeth's hands. To some of these propositions Mary consented; some she endeavoured to mitigate; and others she attempted to evade. In the mean time, she transmitted copies of them to the Pope, to the Kings of France and Spain, and to the Duke of Alva. She insinuated, that without some timely and vigorous interposition in her behalf, she would be obliged to accept of these hard conditions, and to purchase liberty at any price. But the Pope

¹¹ Spotsw. 243.

was a distant and feeble ally, and by his great efforts at this time against the Turks, his treasury was entirely exhausted. Charles had already begun to meditate that conspiracy against the Hugonots, which marks his reign with such infamy; and it required much leisure and perfect tranquillity, to bring that execrable plan to maturity. Philip was employed in fitting out that fleet which acquired so much renown to the Christian arms, by the victory over the infidels at Lepanto; the Moors in Spain threatened an insurrection; and his subjects in the Netherlands, provoked by much oppression and many indignities, were breaking out into open rebellion. All of them, for these different reasons, advised Mary, without depending on their aid, to conclude the treaty on the best terms she could procure¹².

Mary accordingly consented to many of Elizabeth's demands, and discovered a facility of disposition which promised still further concessions. But no concession she could have made would have satisfied Elizabeth, who, in spite of her repeated professions of sincerity to foreign ambassadors, and notwithstanding the solemnity with which she carried on the treaty, had no other object in it than to amuse Mary's allies, and to gain time¹³. After having so long treated a Queen, who fled to her for refuge, in so ungenerous a manner, she could not now dismiss her with safety. Under all the disadvantages of a rigorous confinement, Mary had found means to excite commotions in England which were extremely formidable. What desperate effects of her just resentment might be expected, if she were set at liberty, and recovered her former power? What engagements could bind her not to revenge the wrongs which she had suffered, nor to take advantage of the favourable conjunctures that might present themselves? Was it possible for her to give such security for her behavi-

¹² Anders. vol. iii. 119, 120. ¹³ Digges. Compl. Amb. 78.

our, in times to come, as might remove all suspicions and fears? And was there not good cause to conclude, that no future benefits could ever obliterate the memory of past injuries? It was thus Elizabeth reasoned; though she continued to act as if her views had been entirely different. She appointed seven of her privy counsellors to be commissioners for settling the articles of the treaty; and as Mary had already named the Bishops of Ross and Galloway, and Lord Livingston, for her ambassadors, she required the Regent to empower proper persons to appear in behalf of the King. The Earl of Morton, Pitcairn abbot of Dunfermling, and Sir James Macgil, were the persons chosen by the Regent. They prepared for their journey as slowly as Elizabeth herself could have wished [Feb. 19, 1571]. At length they arrived at London, and met the commissioners of the two Queens. Mary's ambassadors discovered the strongest inclination to comply with every thing that would remove the obstacles which stood in the way of their mistress's liberty. But when Morton and his associates were called upon to vindicate their conduct, and to explain the sentiments of their party, they began, in justification of their treatment of the Queen, to advance such maxims concerning the limited powers of Princes, and the natural right of subjects to resist and to control them, as were extremely shocking to Elizabeth, whose notions of regal prerogative, as has been formerly observed, were very exalted. With regard to the authority which the King now possessed, they declared they neither had, nor could possibly receive, instructions to consent to any treaty that tended to subvert or even to impair it in the least degree¹⁴. Nothing could be more trifling and ridiculous than such a reply from the commissioners of the King of Scots to the Queen of England. His party depended

¹⁴ Cald. ii. 234. Digges, 51. Haynes, 523, 524.

absolutely on her protection; it was by persons devoted to her he had been seated on the throne, and to her power he owed the continuance of his reign. With the utmost ease she could have brought them to hold very different language; and whatever conditions she might have thought fit to subscribe, they would have had no other choice but to submit. This declaration, however, she affected to consider as an insuperable difficulty; and finding that there was no reason to dread any danger from the French King, who had not discovered that eagerness in support of Mary which was expected, the reply made by Morton [March 24], furnished her with a pretence for putting a stop to the negotiation, until the Regent should send ambassadors with more ample powers. Thus, after being amused for ten months with the hopes of liberty, the unhappy Queen of Scots remained under stricter custody than ever, and without any prospect of escaping from it; while those subjects who still adhered to her were exposed, without ally or protector, to the rage of enemies, whom their success in this negotiation rendered still more insolent¹⁵.

On the day after the expiration of the truce, which had been observed with little exactness on either side, Captain Crawford of Jordan Hill, a gallant and enterprising officer, performed a service of great importance to the Regent, by surprising the castle of Dumbarton. This was the only fortified place in the kingdom of which the Queen had kept possession ever since the commencement of the civil wars. Its situation, on the top of a high and almost inaccessible rock which rises in the middle of a plain, rendered it extremely strong, and, in the opinion of that age, impregnable: as it commanded the river Clide, it was of great consequence, and was deemed the most proper place in the kingdom for landing any foreign

¹⁵ Anders. iii. 91, &c.

troops that might come to Mary's aid. The strength of the place rendered Lord Fleming, the governor, more secure than he ought to have been, considering its importance. A soldier who had served in the garrison, and had been disgusted by some ill usage, proposed the scheme to the Regent, endeavoured to demonstrate that it was practicable, and offered himself to go the foremost man on the enterprise. It was thought prudent to risk any danger for so great a prize. Scaling-ladders, and whatever else might be necessary, were prepared with the utmost secrecy and dispatch. All the avenues to the castle were seized, that no intelligence of the design might reach the governor. Towards evening Crawford marched from Glasgow with a small but determined band. By midnight they arrived at the bottom of the rock. The moon was set, and the sky, which had hitherto been extremely clear, was covered with a thick fog. It was where the rock was highest that the assailants made their attempt, because in that place there were few sentinels, and they hoped to find them least alert. The first ladder was scarcely fixed, when the weight and eagerness of those who mounted brought it to the ground. None of the assailants were hurt by the fall, and none of the garrison alarmed at the noise. Their guide and Crawford scrambled up the rock, and fastened the ladder to the roots of a tree which grew in a cleft. This place they all reached with the utmost difficulty, but were still at a great distance from the foot of the wall. Their ladder was made fast a second time; but in the middle of the ascent they met with an unforeseen difficulty. One of their companions was seized with some sudden fit, and clung, seemingly without life, to the ladder. All were at a stand. It was impossible to pass him. To tumble him headlong was cruel; and might occasion a discovery. But Crawford's presence of mind did not forsake him. He ordered the soldier

to be bound fast to the ladder, that he might not fall when the fit was over; and turning the other side of the ladder, they mounted with ease over his belly. Day now began to break, and there still remained a high wall to scale; but after surmounting so many great difficulties, this was soon accomplished. A sentry observed the first man who appeared on the parapet, and had just time to give the alarm, before he was knocked on the head. The officers and soldiers of the garrison ran out naked, unarmed, and more solicitous about their own safety than capable of making resistance. The assailants rushed forwards, with repeated shouts and with the utmost fury; took possession of the magazine; seized the cannon, and turned them against their enemies. Lord Fleming got into a small boat, and fled all alone into Argyllshire. Crawford, in reward of his valour and good conduct, remained master of the castle; and as he did not lose a single man in the enterprise, he enjoyed his success with unmixed pleasure. Lady Fleming, Verac, the French envoy, and Hamilton, Archbishop of St. Andrew's, were the prisoners of greatest distinction¹⁶.

Verac's character protected him from the usage which he merited by his activity in stirring up enemies against the King. The Regent treated the lady with great politeness and humanity. But a very different fate awaited the Archbishop; he was carried under a strong guard to Stirling; and as he had formerly been attainted by act of parliament, he was, without any formal trial, condemned to be hanged; and on the fourth day after he was taken, the sentence was executed. An attempt was made to convict him of being accessory to the murder both of the King and Regent, but these accusations were supported by no proof. Our historians observe, that he was the first Bishop in Scotland who died by the

¹⁶ Buchan, 391.

hands of the executioner. The high offices he had enjoyed, both in church and state, ought to have exempted him from a punishment inflicted only on the lowest criminals. But his zeal for the Queen, his abilities, and his profession, rendered him odious and formidable to the King's adherents. Lennox hated him as the person by whose counsels the reputation and power of the house of Hamilton were supported. Party rage and personal enmity dictated that indecent sentence, for which some colour was sought by imputing to him such odious crimes¹⁷.

The loss of Dumbarton, and the severe treatment of the Archbishop, perplexed no less than they enraged the Queen's party; and hostilities were renewed with all the fierceness which disappointment and indignation can inspire. Kirkaldy, who, during the truce, had taken care to increase the number of his garrison, and to provide every thing necessary for his defence, issued a proclamation declaring Lennox's authority to be unlawful and usurped; commanded all who favoured his cause to leave the town within six hours; seized the arms belonging to the citizens; planted a battery on the steeple of St. Giles's, repaired the walls, and fortified the gates of the city; and, though the affections of the inhabitants leaned a different way, held out the metropolis against the Regent. The Duke, Huntly, Home, Herries, and other chiefs of that faction, repaired to Edinburgh with their followers; and, having received a small sum of money and some ammunition from France, formed no contemptible army within the walls. On the other side, Morton seized Leith and fortified it; and the Regent joined him with a considerable body of men. While the armies lay so near each other, daily skirmishes happened, and with various success. The Queen's party was not strong enough to take the field against the Regent, nor was his superiority

¹⁷ Spotswood, 252.

so great as to undertake the siege of the castle or of the town¹⁸.

Some time before Edinburgh fell into the hands of his enemies, the Regent had summoned a parliament to meet in that place. In order to prevent any objection against the lawfulness of the meeting, the members obeyed the proclamation as exactly as possible [May 14], and assembled in a house at the head of the Cannongate, which, though without the walls, lies within the liberties of the city. Kirkaldy exerted himself to the utmost to interrupt their meeting; but they were so strongly guarded that all efforts were vain. They passed an act attainting Maitland and a few others, and then adjourned to the 28th of August¹⁹.

The other party, in order that their proceedings might be countenanced by the same show of legal authority, held a meeting of parliament soon after. There was produced in this assembly a declaration by the Queen of the invalidity of that deed whereby she had resigned the crown, and consented to the coronation of her son. Conformable to this declaration, an act was passed pronouncing the resignation to have been extorted by fear; to be null in itself, and in all its consequences; and enjoining all good subjects to acknowledge the Queen alone to be their lawful sovereign, and to support those who acted in her name. The present establishment of the Protestant religion was confirmed by another statute; and, in imitation of the adverse party, a new meeting was appointed on the 26th of August²⁰.

Meanwhile all the miseries of civil war desolated the kingdom. Fellow-citizens, friends, brothers took different sides, and ranged themselves under the standards of the contending factions. In every county, and almost in every town and village, *King's men* and *Queen's men* were names of distinction.

¹⁸ Cald. ii. 233, &c. ¹⁹ Crawf. Mem. 177. ²⁰ Id. Ibid.

Political hatred dissolved all natural ties, and extinguished the reciprocal good will and confidence which holds mankind together in society. Religious zeal mingled itself with these civil distinctions, and contributed not a little to heighten and to inflame them.

The factions which divided the kingdom were, in appearance, only two; but in both these there were persons with views and principles so different from each other that they ought to be distinguished. With some, considerations of religion were predominant, and they either adhered to the queen, because they hoped by her means to reestablish Popery, or they defended the King's authority, as the best support of the Protestant faith. Among these the opposition was violent and irreconcilable. Others were influenced by political motives only, or allured by views of interest: the Regent aimed at uniting these, and did not despair of gaining, by gentle arts, many of Mary's adherents to acknowledge the King's authority. Maitland and Kirkaldy had formed the same design of a coalition, but on such terms that the Queen might be restored to some share in the government, and the kingdom shake off its dependence upon England. Morton, the ablest, the most ambitious, and the most powerful man of the King's party, held a particular course; and, moving only as he was prompted by the court of England, thwarted every measure that tended towards a reconciliation of the factions; and as he served Elizabeth with much fidelity, he derived both power and credit from her avowed protection.

The time appointed by both parties for the meeting of their parliaments now approached. Only three peers and two bishops appeared in that which was held in the Queen's name at Edinburgh. But, contemptible as their numbers were, they passed an act for attainting upwards of two hundred of the adverse faction. The meeting at Stirling was numerous and

splendid. The Regent had prevailed on the Earls of Argyll, Eglinton, Cassils, and Lord Boyd, to acknowledge the King's authority. The three Earls were among the most powerful noblemen in the kingdom, and had hitherto been zealous in the Queen's cause. Lord Boyd had been one of Mary's commissioners at York and Westminster, and since that time had been admitted into all her most secret councils. But, during that turbulent period, the conduct of individuals, as well as the principles of factions, varied so often, that the sense of honour, a chief preservative of consistence in character, was entirely lost; and, without any regard to decorum, men suddenly abandoned one party, and adopted all the violent passions of the other. The defection, however, of so many persons of distinction, not only weakened the Queen's party, but added reputation to her adversaries.

After the example of the parliament at Edinburgh, that at Stirling began with framing acts against the opposite faction. But in the midst of all the security, which confidence in their own number or distance from danger could inspire, they were awakened early in the morning of September the third by the shouts of the enemy in the heart of the town. In a moment the houses of every person of distinction were surrounded, and before they knew what to think of so strange an event, the Regent, the Earls of Argyll, Morton, Glencairn, Cassils, Eglinton, Montrose, Buchan, the Lords Sempil, Cathcart, Ogilvie, were all made prisoners, and mounted behind troopers, who were ready to carry them to Edinburgh. Kirkaldy was the author of this daring enterprise; and if he had not been induced, by the ill-timed solicitude of his friends about his safety, not to hazard his own person in conducting it, that day might have terminated the contest between the two factions, and have restored peace to his country. By his direction four

hundred men, under the command of Huntly, Lord Claud Hamilton, and Scott of Buccleugh, set out from Edinburgh, and, the better to conceal their design, marched towards the south. But they soon wheeled to the right, and, horses having been provided for the infantry, rode straight to Stirling. By four in the morning they arrived there; not one sentry was posted on the walls, not a single man was awake about the place. They met with no resistance from any person whom they attempted to seize, except Morton. He defending his house with obstinate valour, they were obliged to set it on fire, and he did not surrender till forced out of it by the flames. In performing this, some time was consumed; and the private men, unaccustomed to regular discipline, left their colours, and began to rifle the houses and shops of the citizens. The noise and uproar in the town reached the castle. The Earl of Mar sallied out with thirty soldiers, fired briskly upon the enemy, of whom almost none but the officers kept together in a body. The townsmen took arms to assist their governor; a sudden panic struck the assailants; some fled, some surrendered themselves to their own prisoners; and had not the borderers, who followed Scott, prevented a pursuit, by carrying off all the horses within the place, not a man would have escaped. If the Regent had not unfortunately been killed, the loss on the King's side would have been as inconsiderable as the alarm was great. *Think on the Archbishop of St. Andrew's*, was the word among the Queen's soldiers; and Lennox fell a sacrifice to his memory. The officer to whom he surrendered, endeavouring to protect him, lost his own life in his defence. He was slain, according to the general opinion, by command of Lord Claud Hamilton. Kirkaldy had the glory of concerting this plan with great secrecy and prudence; but Morton's fortunate obstinacy, and the want of dis-

cipline among his troops, deprived him of success, the only thing wanting to render this equal to the most applauded military enterprises of the kind²¹.

As so many of the nobles were assembled, they proceeded without delay to the election of a Regent [Sept. 6.] Argyll, Morton, and Mar were candidates for the office. Mar was chosen by a majority of voices. Amidst all the fierce dissensions which had prevailed so long in Scotland, he had distinguished himself by his moderation, his humanity, and his disinterestedness. As his power was far inferior to Argyll's, and his abilities not so great as Morton's, he was, for these reasons, less formidable to the other nobles. His merit, too, in having so lately rescued the leaders of the party from imminent destruction, contributed not a little to his preferment.

While these things were carrying on in Scotland, the transactions in England were no less interesting to Mary, and still more fatal to her cause. The parliament of that kingdom, which met in April, passed an act, by which it was declared to be high treason to claim any right to the crown during the life of the Queen; to affirm that the title of any other person was better than hers, or to maintain that the parliament had not power to settle and to limit the order of succession. This remarkable statute was intended not only for the security of their own sovereign, but to curb the restless and intriguing spirit of the Scottish Queen and her adherents²².

At this time a treaty of marriage between Elizabeth and the Duke of Anjou, the French King's brother, was well advanced. Both courts seemed to desire it with equal ardour, and gave out, with the utmost confidence, that it could not fail of taking place. Neither of them, however, wished it success; and they encouraged it for no other end, but because it served to cover or to promote their particular designs.

²¹ Melv. 226. Crawf. Mem. 201.

²² Camd. 436.

The whole policy of Catherine of Medicis was bent towards the accomplishment of her detestable project for the destruction of the Hugonot chiefs; and by carrying on a negotiation for the marriage of her son with a Princess who was justly esteemed the protectress of that party, by yielding some things in point of religion, and by discovering an indifference with regard to others, she hoped to amuse all the Protestants in Europe, and to lull asleep the jealousy even of the Hugonots themselves. Elizabeth flattered herself with reaping advantages of another kind. During the dependence of the negotiation, the French could not with decency give any open assistance to the Scottish Queen: if they conceived any hopes of success in the treaty of marriage, they would of course interest themselves but coldly in her concerns; Mary herself must be dejected at losing an ally, whom she had hitherto reckoned her most powerful protector; and, by interrupting her correspondence with France, one source, at least, of the cabals and intrigues which disturbed the kingdom would be stopped. Both Queens succeeded in their schemes. Catherine's artifices imposed upon Elizabeth, and blinded the Hugonots. The French discovered the utmost indifference about the interest of the Scottish Queen; and Mary, considering that court as already united with her rival, turned for protection with more eagerness than ever towards the King of Spain²³. Philip, whose dark and thoughtful mind delighted in the mystery of intrigue, had held a secret correspondence with Mary for some time, by means of the Bishop of Ross, and had supplied both herself and her adherents in Scotland with small sums of money. Ridolphi, a Florentine gentleman, who resided at London under the character of a banker, and who acted privately as an agent for the Pope, was the person whom the bishop intrusted with this nego-

²³ Digges, 144. 148. Camd. 434.

tiation. Mary thought it necessary likewise to communicate the secret to the Duke of Norfolk, whom Elizabeth had lately restored to liberty, upon his solemn promise to have no further intercourse with the Queen of Scots. This promise, however, he regarded so little that he continued to keep a constant correspondence with the captive Queen; while she laboured to nourish his ambitious hopes, and to strengthen his amorous attachment by letters written in the fondest caressing strain. Some of these he must have received at the very time when he made that solemn promise of holding no further intercourse with her, in consequence of which Elizabeth restored him to liberty. Mary, still considering him as her future husband, took no step in any matter of moment without his advice. She early communicated to him her negotiations with Ridolphi; and in a long letter, which she wrote to him in ciphers²⁴, after complaining of the baseness with which the French court had abandoned her interest, she declared her intention of imploring the assistance of the Spanish monarch, which was now her only resource; and recommended Ridolphi to his confidence, as a person capable both of explaining and advancing the scheme. The Duke commanded Hickford, his secretary, to decipher, and then to burn this letter; but, whether he had been already gained by the court, or resolved at that time to betray his master, he disobeyed the latter part of the order, and hid the letter, together with other treasonable papers, under the Duke's own bed.

Ridolphi, in a conference with Norfolk, omitted none of those arguments, and spared none of those promises, which are the usual incentives to rebellion. The Pope, he told him, had a great sum in readiness to bestow in so good a cause. The Duke of Alva

²⁴ Haynes, 597, 598. Hardw. State Papers, i. 190, &c. Digges's Complete Ambas. 147.

had undertaken to land ten thousand men not far from London. The Catholics, to a man, would rise in arms. Many of the nobles were ripe for a revolt, and wanted only a leader. Half their nation had turned their eyes towards him, and called on him to revenge the unmerited injuries which he himself had suffered; and to rescue an unfortunate Queen, who offered him her hand and her crown as the reward of his success. Norfolk approved of the design, and, though he refused to give Ridolphi any letter of credit, allowed him to use his name in negotiating with the Pope and Alva²⁵. The Bishop of Ross, who, from the violence of his temper, and impatience to procure relief for his mistress, was apt to run into rash and desperate designs, advised the Duke to assemble secretly a few of his followers, and at once to seize Elizabeth's person. But this the Duke rejected as a scheme equally wild and hazardous. Meanwhile, the English court had received some imperfect information of the plot, by intercepting one of Ridolphi's agents; and an accident happened, which brought to light all the circumstances of it. The Duke had employed Hickford to transmit to Lord Herries some money, which was to be distributed among Mary's friends in Scotland. A person not in the secret was intrusted with conveying it to the borders; and he, suspecting it from the weight to be gold, whereas he had been told that it was silver, carried it directly to the privy council. The Duke, his domestics, and all who were privy or could be suspected of being privy to the design, were taken into custody. Never did the accomplices in a conspiracy discover less firmness, or servants betray an indulgent master with greater baseness [Sept. 7]. Every one confessed the whole of what he knew. Hickford gave directions how to find the papers which he had hidden. The Duke himself, relying at

²⁵ Anders. iii. 161.

first on the fidelity of his associates, and believing all dangerous papers to have been destroyed, confidently asserted his own innocence; but when their depositions and the papers themselves were produced, astonished at their treachery, he acknowledged his guilt, and implored the Queen's mercy. His offence was too heinous, and too often repeated, to obtain pardon; and Elizabeth thought it necessary to deter her subjects, by his punishment, from holding correspondence with the Queen of Scots or her emissaries. Being tried by his peers, he was found guilty of high treason, and, after several delays, suffered death for the crime²⁶.

The discovery of this conspiracy produced many effects extremely detrimental to Mary's interest. The Bishop of Ross, who appeared, by the confession of all concerned, to be the prime mover in every cabal against Elizabeth, was taken into custody, his papers searched, himself committed to the Tower, treated with the utmost rigour, threatened with capital punishment, and, after a long confinement, set at liberty on condition that he should leave the kingdom. Mary was not only deprived of a servant equally eminent for his zeal and his abilities, but was denied from that time the privilege of having an ambassador at the English court. The Spanish ambassador, whom the power and dignity of the Prince he represented exempted from such insults as Ross had suffered, was commanded to leave England²⁷. As there was now the clearest evidence that Mary, from resentment of the wrongs she had suffered, and impatience of the captivity in which she was held, would not scruple to engage in the most hostile and desperate enterprises against the established government and religion, she began to be regarded as a public enemy, and was kept under a stricter guard than formerly; the number of her domestics was

²⁶ Anders, iii. 149. State Trials, 185.

²⁷ Digges, 163.

abridged, and no person permitted to see her but in presence of her keepers²⁸.

At the same time, Elizabeth, foreseeing the storm which was gathering on the Continent against her kingdom, began to wish that tranquillity were restored in Scotland; and, irritated by Mary's late attempt against her government, she determined to act without disguise or ambiguity in favour of the King's party. This resolution she intimated to the leaders of both factions [Oct. 23]. Mary, she told them, had held such a criminal correspondence with her avowed enemies, and had excited such dangerous conspiracies both against her crown and her life, that she would henceforth consider her as unworthy of protection, and would never consent to restore her to liberty, far less to replace her on her throne. She exhorted them, therefore, to unite in acknowledging the King's authority. She promised to procure, by her mediation, equitable terms for those who had hitherto opposed it. But if they still continued refractory, she threatened to employ her utmost power to compel them to submit²⁹. Though this declaration did not produce an immediate effect; though hostilities continued in the neighbourhood of Edinburgh; though Huntly's brother, Sir Adam Gordon, by his bravery and good conduct, had routed the King's adherents in the North in many encounters; yet, such an explicit discovery of Elizabeth's sentiments contributed not a little to animate one party, and to depress the spirit and hopes of the other³⁰.

1572.] As Morton, who commanded the Regent's forces, lay at Leith, and Kirkaldy still held out the town and castle of Edinburgh, scarce a day passed without a skirmish; and while both avoided any decisive action, they harassed each other by attacking small parties, beating up quarters, and intercepting

²⁸ Strype, Ann. ii. 50.

²⁹ See Appendix, No. XXXVII.

³⁰ Cald. ii. 289. 294. Strype, ii. 76.

convoys. These operations, though little memorable in themselves, kept the passions of both factions in perpetual exercise and agitation, and wrought them up, at last, to a degree of fury which rendered them regardless not only of the laws of war, but of the principles of humanity. Nor was it in the field alone, and during the heat of combat, that this implacable rage appeared; both parties hanged the prisoners which they took, of whatever rank or quality, without mercy and without trial. Great numbers suffered in this shocking manner; the unhappy victims were led by fifties at a time to execution; and it was not till both sides had smarted severely that they discontinued this barbarous practice, so reproachful to the character of the nation³¹. Meanwhile, those in the town and castle, though they had received a supply of money from the Duke of Alva³², began to suffer for want of provisions. As Morton had destroyed all the mills in the neighbourhood of the city, and had planted small garrisons in all the houses of strength around it, scarcity daily increased. At last all the miseries of famine were felt, and they must have been soon reduced to such extremities as would have forced them to capitulate, if the English and French ambassadors had not procured a suspension of hostilities between the two parties³³.

Though the negotiation for a marriage between Elizabeth and the Duke of Anjou had been fruitless, both Charles and she were desirous of concluding a defensive alliance between the two crowns. He considered such a treaty not only as the best advice for blinding the Protestants, against whom the conspiracy was now almost ripe for execution; but as a good precaution, likewise, against the dangerous consequences to which that atrocious measure might expose him. Elizabeth, who had hitherto reigned without a single ally, now saw her kingdom so

³¹ Crawf. Mem. 218. 220.

³² Cald. ii. 315.

³³ Ib. 346.

threatened with intestine commotions, or exposed to invasions from abroad, that she was extremely solicitous to secure the assistance of so powerful a neighbour. The difficulties arising from the situation of the Scottish Queen were the chief occasions of any delay. Charles demanded some terms of advantage for Mary and her party. Elizabeth refused to listen to any proposition of that kind. Her obstinacy overcame the faint efforts of the French Monarch. Mary's name was not so much as mentioned in the treaty; and with regard to Scottish affairs, a short article was inserted, in general and ambiguous terms [April 11], to this purpose: "That the parties contracting shall make no innovations in Scotland; nor suffer any stranger to enter and to foment the factions there; but it shall be lawful for the Queen of England to chastise, by force of arms, those Scots who shall continue to harbour the English rebels now in Scotland³⁴." In consequence of this treaty, France and England affected to act in concert with regard to Scotland, and Le Croc and Sir William Drury appeared there in the name of their respective sovereigns. By their mediation, a truce for two months was agreed upon, and during that time conferences were to be held between the leaders of the opposite factions, in order to accommodate their differences and restore peace to the kingdom. This truce afforded a seasonable interval of tranquillity to the Queen's adherents in the South; but in the North it proved fatal to her interest. Sir Adam Gordon had still maintained his reputation and superiority there. Several parties, under different officers, were sent against him. Some of them he attacked in the field; against others he employed stratagem; and as his courage and conduct were equal, none of his enterprises failed of success. He made war too with the humanity which became so gallant a man, and

³⁴ Digges, 170. 191. Camden, 444.

gained ground by that, no less than by the terror of his arms. If he had not been obliged by the truce to suspend his operations, he would in all probability have brought that part of the kingdom to submit entirely to the Queen's authority³⁵.

Notwithstanding Gordon's bravery and success, Mary's interest was on the decline, not only in her own kingdom, but among the English. Nothing could be more offensive to that nation, jealous of foreigners, and terrified at the prospect of the Spanish yoke, than her negotiations with the Duke of Alva. The parliament, which met in May, proceeded against her as the most dangerous enemy of the kingdom; and, after a solemn conference between the Lords and Commons, both houses agreed in bringing in a bill to declare her guilty of high treason, and to deprive her of all right of succession to the crown. This *great cause*, as it was then called, occupied them during the whole session, and was carried on with much unanimity. Elizabeth, though she applauded their zeal and approved greatly of the course they were taking, was satisfied with showing Mary what she might expect from the resentment of the nation; but as she did not yet think it time to proceed to the most violent extremity against her, she prorogued the parliament³⁶.

These severe proceedings of the English parliament were not more mortifying to Mary than the coldness and neglect of her allies the French. The Duke of Montmorency, indeed, who came over to ratify the league with Elizabeth, made a show of interesting himself in favour of the Scottish Queen; but, instead of soliciting for her liberty, or her restoration to her throne, all that he demanded was a slight mitigation of the rigour of her imprisonment. Even this small request he urged with so little warmth or importunity that no regard was paid to it³⁷.

³⁵ Crawf. Mem. ³⁶ D'Ewes, Journ. 206, &c. ³⁷ Jebb, ii. 512.

The alliance with France afforded Elizabeth much satisfaction, and she expected from it a great increase of security. She now turned her whole attention towards Scotland, where the animosities of the two factions were still so high, and so many interfering interests to be adjusted, that a general pacification seemed to be at a great distance. But while she laboured to bring them to some agreement, an event happened which filled a great part of Europe with astonishment and with horror. This was the massacre of Paris; an attempt, to which there is no parallel in the history of mankind, either for the long train of craft and dissimulation with which it was contrived, or for the cruelty and barbarity with which it was carried into execution. By the most solemn promises of safety and of favour, the leaders of the Protestants were drawn to court; and though doomed to destruction, they were received with caresses, loaded with honours, and treated, for seven months, with every possible mark of familiarity and of confidence. In the midst of their security [Aug. 24], the warrant for their destruction was issued by their sovereign, on whose word they had relied; and, in obedience to it, their countrymen, their fellow citizens, and companions imbrued their hands in their blood. Ten thousand Protestants, without distinction of age, or sex, or condition, were murdered in Paris alone. The same barbarous orders were sent to other parts of the kingdom, and a like carnage ensued. This deed, which no Popish writer in the present age mentions without detestation, was at that time applauded in Spain; and at Rome solemn thanksgivings were offered to God for its success. But among the Protestants it excited incredible horror; a striking picture of which is drawn by the French ambassador at the court of England, in his account of his first audience after the massacre. "A gloomy sorrow," says he, "sat on every face; silence, as in the dead

of night, reigned through all the chambers of the royal apartment; the ladies and courtiers were ranged on each side, all clad in deep mourning, and as I passed through them, not one bestowed on me a civil look, or made the least return to my salutes³⁸."

But horror was not the only passion with which this event inspired the Protestants; it filled them with fear. They considered it as the prelude to some greater blow, and believed, not without much probability, that all the Popish Princes had conspired the destruction of their sect. This opinion was of no small disservice to Mary's affairs in Scotland. Many of her adherents were Protestants; and, though they wished her restoration, were not willing on that account, to sacrifice the faith which they professed. They dreaded her attachment to a religion which allowed its votaries to violate the most solemn engagements, and prompted them to perpetrate the most barbarous crimes. A general confederacy of the Protestants seemed to them the only thing that could uphold the Reformation against the league which was formed to overturn it. Nor could the present establishment of religion be long maintained in Britain, but by a strict union with Elizabeth, and by the concurrence of both nations in espousing the defence of it as a common cause³⁹.

Encouraged by this general disposition to place confidence in her, Elizabeth resumed a scheme which she had formed during the regency of the Earl of Murray, of sending Mary as a prisoner into Scotland. But her sentiments and situation were now very different from what they had been during her negotiation with Murray. Her animosity against the Queen of Scots was greatly augmented by recent experience, which taught her that she had inclination, as well as power, not only to disturb the tranquillity of her reign, but to wrest from her the crown; the party in

³⁸ Carte, iii. 522.

³⁹ Digges, 244. 267.

Scotland favourable to Mary was almost entirely broken; and there was no reason to dread any danger from France, which still continued to court her friendship. She aimed, accordingly, at something very different from that which she had in view three years before. Then she discovered a laudable solicitude, not only for the safety of Mary's life, but for securing to her treatment suited to her rank. Now she required, as an express condition, that immediately after Mary's arrival in Scotland, she should be brought to public trial; and, having no doubt that sentence would be passed according to her deserts, she insisted that, for the good of both kingdoms, it should be executed without delay⁴⁰. No transaction, perhaps, in Elizabeth's reign, merits more severe censure. Eager to cut short the days of a rival, the object both of her hatred and dread, and no less anxious to avoid the blame to which such a deed of violence might expose her, she laboured, with timid and ungenerous artifice, to transfer the odium of it from herself to Mary's own subjects. The Earl of Mar, happily for the honour of his country, had more virtue than to listen to such an ignominious proposal; and Elizabeth did not venture to renew it.

While she was engaged in pursuing this insidious measure, the Regent was more honourably employed in endeavouring to negotiate a general peace among his countrymen. As he laboured for this purpose with the utmost zeal, and the adverse faction placed entire confidence in his integrity, his endeavours could hardly have failed of being successful. Maitland and Kirkaldy came so near to an agreement with him that scarce any thing remained, except the formality of signing the treaty. But Morton had not forgotten the disappointment he met with in his pretensions to the regency; his abilities, his wealth,

⁴⁰ Murdin, 224.

and the patronage of the court of England, gave him greater sway with the party than even the Regent himself; and he took pleasure in thwarting every measure pursued by him. He was afraid that, if Maitland and his associates recovered any share in the administration, his own influence would be considerably diminished; and the Regent, by their means, would acquire that ascendant which belonged to his station. With him concurred all those who were in possession of the lands which belonged to any of the Queen's party. His ambition, and their avarice, frustrated the Regent's pious intentions, and retarded a blessing so necessary to the kingdom as the establishment of peace⁴¹.

Such a discovery of the selfishness and ambition which reigned among his party, made a deep impression on the Regent, who loved his country, and wished for peace with much ardour. This inward grief broke his spirit, and by degrees brought on a settled melancholy, that ended in a distemper, of which he died on the 29th of October. He was, perhaps, the only person in the kingdom who could have enjoyed the office of Regent without envy, and have left it without loss of reputation. Notwithstanding their mutual animosities, both factions acknowledged his views to be honourable, and his integrity to be uncorrupted⁴².

No competitor now appeared against Morton. The Queen of England powerfully supported his claim, and, notwithstanding the fears of the people, and the jealousy of the nobles, he was elected Regent [Nov. 24]; the fourth who, in the space of five years, had held that dangerous office.

As the truce had been prolonged to the 1st of January, this gave him an opportunity of continuing the negotiations with the opposite party, which had

⁴¹ Melv. 233. Crawf. Mem. 237.

⁴² Crawf. Mem. 241.

been set on foot by his predecessor. They produced no effects, however, till the beginning of the next year.

Before we proceed to these, some events, hitherto untouched, deserve our notice.

The Earl of Northumberland, who had been kept prisoner in Lochlevin ever since his flight into Scotland, in the year 1569, was given up to Lord Hunsdon, Governor of Berwick; and, being carried to York, suffered there the punishment of his rebellion. The King's party were so sensible of their dependence on Elizabeth's protection that it was scarcely possible for them to refuse putting into her hands a person who had taken up arms against her; but, as a sum of money was paid on that account, and shared between Morton and Douglas of Lochlevin, the former of whom, during his exile in England, had been much indebted to Northumberland's friendship, the abandoning this unhappy nobleman, in such a manner, to certain destruction, was universally condemned as a most ungrateful and mercenary action⁴³.

This year was remarkable for a considerable innovation in the government of the church. Soon after the Reformation, the popish bishops had been confirmed by law in possession of part of their benefices; but the spiritual jurisdiction, which belonged to their order, was exercised by superintendants, though with more moderate authority. On the death of the Archbishop of St. Andrew's, Morton obtained from the crown a grant of the temporalities of that see. But as it was thought indecent for a layman to hold a benefice to which the cure of souls was annexed, he procured Douglas, rector of the university of St. Andrew's, to be chosen Archbishop; and, allotting him a small pension out of the revenues of the see, retained the remainder in his own hands. The

⁴³ *Crawf. Mem.* 55. 222. *Camd.* 445.

nobles, who saw the advantages which they might reap from such a practice, supported him in the execution of his plan. It gave great offence, however, to the clergy, who, instead of perpetuating an order whose name and power were odious to them, wished that the revenues which had belonged to it might be employed in supplying such parishes as were still unprovided with settled pastors. But, on the one hand, it would have been rash in the clergy to have irritated too much noblemen, on whom the very existence of the Protestant church in Scotland depended; and Morton, on the other, conducted his scheme with such dexterity, and managed them with so much art, that it was at last agreed, in a convention composed of the leading men among the clergy, together with a committee of privy council, "That the name and office of Archbishop and Bishop should be continued during the King's minority, and these dignities be conferred upon the best qualified among the Protestant ministers; but that, with regard to their spiritual jurisdictions, they should be subject to the General Assembly of the church." The rules to be observed in their election, and the persons who were to supply the place and enjoy the privileges which belonged to the dean and chapter in times of Popery, were likewise particularly specified⁴⁴. The whole being laid before the General Assembly, after some exceptions to the name of *Archbishop, Dean, Chapter, &c.*, and a protestation that it should be considered only as a temporary constitution, until one more perfect could be introduced, it obtained the approbation of that court⁴⁵. Even Knox, who was prevented from attending the assembly by the ill state of his health, though he declaimed loudly against the simoniacal paction to which Douglas owed his preferment, and blamed the nomination of a person worn out with age and

⁴⁴ Cald. ii. 305.⁴⁵ Id. 351.

infirmities, to an office which required unimpaired vigour both of body and mind, seems not to have condemned the proceedings of the convention; and, in a letter to the assembly, approved of some of the regulations with respect to the election of bishops, as worthy of being carefully observed⁴⁶. In consequence of the Assembly's consent to the plan agreed upon in the convention, Douglas was installed in his office, and at the same time an Archbishop of Glasgow and a Bishop of Dunkeld were chosen from among the Protestant clergy. They were all admitted to the place in parliament which belonged to the ecclesiastical order. But in imitation of the example set by Morton, such bargains were made with them by different noblemen, as gave them possession only of a very small part of the revenues which belonged to their sees⁴⁷.

Soon after the dissolution of this assembly [Nov. 27], Knox, the prime instrument of spreading and establishing the reformed religion in Scotland, ended his life in the sixty-seventh year of his age. Zeal, intrepidity, disinterestedness, were virtues which he possessed in an eminent degree. He was acquainted too with the learning cultivated among divines in that age; and excelled in that species of eloquence which is calculated to rouse and to inflame⁴⁸. His

⁴⁶ See Appendix, No. XXXVIII.

⁴⁷ Spotsw. 261.

⁴⁸ A striking description of that species of eloquence for which Knox was distinguished, is given by one of his contemporaries, Mr. James Melville, minister of Anstruther. "But of all the benefits I had that year [1571], was the coming of that most notable Prophet and Apostle of our nation, Mr. John Knox, to St. Andrew's, who, by the faction of the Queen occupying the castle and town of Edinburgh, was compelled to remove therefra with a number of the best, and chused to come to St. Andrew's. I heard him teach there the prophecies of Daniel that summer and the winter following. I had my pen and little buike, and took away sic things as I could comprehend. In the opening of his text, he was moderate the space of half an hour; but when

maxims, however, were often too severe, and the impetuosity of his temper excessive. Rigid and uncomplying himself, he showed no indulgence to the infirmities of others. Regardless of the distinctions of rank and character, he uttered his admonitions with an acrimony and vehemence more apt to irritate than to reclaim. This often betrayed him into indecent and undutiful expressions with respect to the Queen's person and conduct. Those very qualities, however, which now render his character less amiable, fitted him to be the instrument of Providence for advancing the Reformation among a fierce people, and enabling him to face dangers, and to surmount opposition, from which a person of a more gentle spirit would have been apt to shrink back. By an unwearied application to study and to business, as well as by the frequency and fervour of his public discourses, he had worn out a constitution naturally robust. During a lingering illness he discovered the utmost fortitude; and met the approaches of death with a magnanimity inseparable from his character. He was constantly employed in acts of devotion, and comforted himself with those prospects of immortality which not only preserve good men from desponding, but fill them with exultation in their last moments. The Earl of Mor-

he entered to application, he made me so to *grue* [thrill] and tremble that I could not baid the pen to write.—He was very weak. I saw him every day of his doctrine go *hulie* [slowly] and fair, with a furring of marticks about his neck, a staff in the one hand, and good godlie Richart Ballenden holding him up by the *oxter* [under the arm] from the abbey to the parish kirk; and he the said Richart and another servant lifted him up to the pulpit, where he behoved to lean at his first entrie; but e're he was done with his sermon, he was so active and vigorous, that he was like to *diny the pulpit in blads* [beat the pulpit to pieces], and fly out of it." MS. Life of Mr. James Melville, communicated to me by Mr. Paton of the Custom-house, Edinburgh, p. 14, 21.

ton, who was present at his funeral, pronounced his eulogium in a few words, the more honourable for Knox, as they came from one whom he had often censured with peculiar severity: "There lies He, who never feared the face of man⁴⁹."

1573.] Though Morton did not desire peace from such generous motives as the former Regent, he laboured, however, in good earnest, to establish it. The public confusions and calamities, to which he owed his power and importance when he was only the second person in the nation, were extremely detrimental to him now that he was raised to be the first. While so many of the nobles continued in arms against him, his authority as Regent was partial, feeble, and precarious. Elizabeth was no less desirous of extinguishing the flame which she had kindled and kept so long alive in Scotland⁵⁰. She had discovered the alliance with France, from which she had expected such advantages, to be no foundation of security. Though appearances of friendship still subsisted between her and that court, and Charles daily renewed his protestations of inviolable adherence to the treaty, she was convinced, by a fatal example, how little she ought to rely on the promises or oaths of that perfidious monarch. Her ambassador warned her that the French held secret correspondence with Mary's adherents in Scotland, and encouraged them in their obstinacy⁵¹. The Duke of Alva carried on his intrigues in that kingdom with less disguise. She was persuaded that they would embrace the first serene interval, which the commotions in France and in the Netherlands would allow them, and openly attempt to land a body of men in Scotland. She resolved, therefore, to prevent their getting any footing in the island, and to cut off all their hopes of finding any assistance there, by uniting the two parties.

⁴⁹ Spotsw. 266. Cald. ii. 273. ⁵⁰ Digges, 299. ⁵¹ Ib. 296. 312.

The situation of Mary's adherents enabled the Regent to carry on his negotiations with them to great advantage. They were now divided into two factions. At the head of the one were Chatelherault and Huntly. Maitland and Kirkaldy were the leaders of the other. Their high rank, their extensive property, and the numbers of their followers, rendered the former considerable. The latter were indebted for their importance to their personal abilities, and to the strength of the castle of Edinburgh, which was in their possession. The Regent had no intention to comprehend both in the same treaty; but as he dreaded that the Queen's party, if it remained entire, would be able to thwart and embarrass his administration, he resolved to divide and weaken it by a separate negotiation. He made the first overture to Kirkaldy and his associates, and endeavoured to renew the negotiation with them, which, during the life of his predecessor, had been broken off by his own artifices. But Kirkaldy knew Morton's views, and system of government, to be very different from those of the former Regent. Maitland considered him as a personal and implacable enemy. They received repeated assurances of protection from France; and though the siege of Rochelle employed the French arms at that time, the same hopes, which had so often deceived the party, still amused them, and they expected that the obstinacy of the Hugonots would soon be subdued, and that Charles would then be at liberty to act with vigour in Scotland. Meanwhile a supply of money was sent, and if the castle could be held out till Whitsunday, effectual aid was promised⁵². Maitland's genius delighted in forming schemes that were dangerous; and Kirkaldy possessed the intrepidity necessary for putting them in execution. The castle, they knew, was so situated that it might defy all the Regent's

⁵² Digges, 314.

power. Elizabeth, they hoped, would not violate the treaty with France, by sending forces to his assistance; and if the French should be able to land any considerable body of men, it might be possible to deliver the Queen from captivity, or at least to balance the influence of France and England in such a manner as to rescue Scotland from the dishonourable dependence upon the latter, under which it had fallen. This splendid but chimerical project they preferred to the friendship of Morton. They encouraged the negotiation, however, because it served to gain time; they proposed for the same purpose, that the whole of the Queen's party should be comprehended in it, and that Kirkaldy should retain the command of the castle six months after the treaty was signed. His interest prompted the Regent to reject the former; his penetration discovered the danger of complying with the latter; and all hopes of accommodation vanished⁵³.

As soon as the truce expired, Kirkaldy began to fire on the city of Edinburgh, which, by the return of the inhabitants whom he had expelled, was devoted as zealously as ever to the King's cause. But, as the Regent had now set on foot a treaty with Chatelherault and Huntly, the cessation of arms still continued with them.

They were less scrupulous than the other party, and listened eagerly to his overtures. The Duke was naturally unsteady, and the approach of old age increased his irresolution, and aversion to action. The miseries of civil discord had afflicted Scotland almost five years, a length of time far beyond the duration of any former contest. The war, instead of doing service, had been detrimental to the Queen; and more ruinous than any foreign invasion to the kingdom. In prosecuting it, neither party had gained much honour; both had suffered great losses,

⁵³ Melr. 235, &c.

and had exhausted their own estates in wasting those of their adversaries. The commons were in the utmost misery, and longed ardently for a peace, which might terminate this fruitless but destructive quarrel.

A great step was taken towards this desirable event, by the treaty concluded at Perth [Feb. 23], between the Regent on one hand, and Chatellherault and Huntly on the other, under the mediation of Killegrew, Elizabeth's ambassador⁵⁴. The chief articles in it were these: That all the parties comprehended in the treaty should declare their approbation of the reformed religion now established in the kingdom; that they should submit to the King's government, and own Morton's authority as Regent; that they should acknowledge every thing done in opposition to the King, since his coronation, to be illegal; that on both sides the prisoners who had been taken should be set at liberty, and the estates which had been forfeited should be restored to their proper owners; that the act of attainder passed against the Queen's adherents should be repealed, and indemnity granted for all the crimes of which they had been guilty since the 15th of June, 1567; and that the treaty should be ratified by the common consent of both parties in parliament⁵⁵.

Kirkaldy, though abandoned by his associates, who neither discovered solicitude nor made provision for his safety, did not lose courage, nor entertain any thoughts of accommodation⁵⁶. Though all Scotland

⁵⁴ See Appendix, No. XXXIX. ⁵⁵ Crawf. Mem. 251.

⁵⁶ Melvil, whose brother, Sir Robert, was one of those who joined with Kirkaldy in the defence of the castle, and who was himself strongly attached to their party, asserts that Kirkaldy offered to accept of any reasonable terms of composition, but that all his offers were rejected by the Regent. Melv. 240. But, as Elizabeth was at that time extremely desirous of restoring peace in Scotland, and her ambassador Killegrew, as well as the Earl of Rothes, used their utmost endeavours to persuade Kir-

had now submitted to the King, he still resolved to defend the castle in the Queen's name, and to wait the arrival of the promised succours. The Regent was in want of every thing necessary for carrying on a siege. But Elizabeth, who, determined at any rate to bring the dissensions in Scotland to a period before the French could find leisure to take part in the quarrel, soon afforded him sufficient supplies. Sir William Drury marched into Scotland with fifteen hundred foot, and a considerable train of artillery. The Regent joined him with all his forces; and trenches were opened and approaches regularly carried on against the castle [April 25]. Kirkaldy, though discouraged by the loss of a great sum of money remitted to him from France, and which fell into the Regent's hands through the treachery of Sir James Balfour, the most corrupt man of that age, defended himself with bravery augmented by despair. Three-and-thirty days he resisted all the efforts of the Scotch and English, who pushed on their attacks with courage and with emulation. Nor did he demand a parley, till the fortifications were battered down, and one of the wells in the castle dried up, and the other choked with rubbish. Even then, his spirit was unsubdued, and he determined rather to fall gloriously behind the last intrenchment than to yield to his inveterate enemies. But his garrison was not animated with the same heroic or desperate resolution, and, rising in a mutiny, forced him to capitulate. He surrendered himself to Drury [May

kaldy to accede to the treaty of Perth, it seems more credible to impute the continuance of hostilities to Kirkaldy's obstinacy, his distrust of Morton, or his hope of foreign aid, than to any other cause.

That this was really the case, is evident from the positive testimony of Spotsw. 269, 270. Camd. 448. Johnst. Hist. 3, 4. Digges, 334. Crawford's account agrees, in the main, with theirs, Mem. 263.

29], who promised, in the name of his mistress, that he should be favourably treated. Together with him, James Kirkaldy his brother, Lord Home, Maitland, Sir Robert Melvil, a few citizens of Edinburgh, and about one hundred and sixty soldiers, were made prisoners⁵⁷.

Several of the officers, who had been kept in pay during the war, prevailed on their men to accompany them into the Low Countries, and entering into the service of the States, added, by their gallant behaviour, to the reputation for military virtue which has always been the characteristic of the Scottish nation.

Thus by the treaty with Chatelherault and Huntly, and the surrender of the castle, the civil wars in Scotland were brought to a period. When we review the state of the nation, and compare the strength of the two factions, Mary's partisans among the nobles appear, manifestly, to have been superior both in numbers and in power. But these advantages were more than counterbalanced by others, which their antagonists enjoyed. Political abilities, military skill, and all the talents which times of action form, or call forth, appeared chiefly on the King's side. Nor could their enemies boast of any man, who equalled the intrepidity of Murray, tempered with wisdom; the profound sagacity of Morton; the subtle genius, and insinuating address of Maitland; or the successful valour of Kirkaldy; all of which were at first employed in laying the foundation of the King's authority. On the one side, measures were concerted with prudence, and executed with vigour; on the other, their resolutions were rash, and their conduct feeble. The people, animated with zeal for religion, and prompted by indignation against the Queen, warmly supported the King's cause. The clergy threw the whole weight of their popularity into the same scale. By means

⁵⁷ Cald. ii. 408. Melv. 240. Crawf. Mem. 265.

of these, as well as by the powerful interposition of England, the King's government was finally established. Mary lost even that shadow of sovereignty which, amidst all her sufferings, she had hitherto retained among part of her own subjects. As she was no longer permitted to have an ambassador at the court of England, the only mark of dignity which she had for some time enjoyed there, she must henceforth be considered as an exile stripped of all the ensigns of royalty; guarded with anxiety in the one kingdom, and totally deserted or forgotten in the other.

Kirkaldy and his associates remained in Drury's custody, and were treated by him with great humanity, until the Queen of England, whose prisoners they were, should determine their fate. Morton insisted that they should suffer the punishment due to their rebellion and obstinacy; and declared that, so long as they were allowed to live, he did not reckon his own person or authority secure: and Elizabeth, without regarding Drury's honour, or his promises in her name, gave them up to the Regent's disposal. He first confined them to separate prisons [Aug. 3]; and soon after, with Elizabeth's consent, condemned Kirkaldy and his brother to be hanged at the cross of Edinburgh. Maitland, who did not expect to be treated more favourably, prevented the ignominy of a public execution by a voluntary death, and "ended his days," says Melvil, "after the old Roman fashion⁵⁸."

While the Regent was wreaking his vengeance on the remains of her party in Scotland, Mary, incapable of affording them any relief, bewailed their misfortunes in the solitude of her prison. At the same time her health began to be much impaired by confinement and want of exercise. At the entreaty of the French ambassador, Lord Shrewsbury, her

⁵⁸ Melv. 242.

keeper, was permitted to conduct her to Buxton Wells, not far from Tuthbury, the place of her imprisonment. Cecil, who had lately been created Baron of Burleigh, and Lord High Treasurer of England, happened to be there at the same time. Though no minister ever entered more warmly into the views of a sovereign, or gave stronger proofs of his fidelity and attachment than this great man, yet such was Elizabeth's distrust of every person who approached the Queen of Scots that her suspicions, in consequence of this interview, seem to have extended even to him; and while Mary justly reckoned him her most dangerous enemy, he found some difficulty in persuading his own mistress that he was not partial to that unhappy Queen⁵⁹.

The Duke of Alva was this year recalled from the government of the Netherlands, where his haughty and oppressive administration roused a spirit, in attempting to subdue which Spain exhausted its treasures, ruined its armies, and lost its glory. Requesens, who succeeded him, was of a milder temper, and of a less enterprising genius. This event delivered Elizabeth from the perpetual disquietude occasioned by Alva's negotiations with the Scottish Queen, and his zeal for her interest.

1574]. Though Scotland was now settled in profound peace, many of the evils which accompany civil war were still felt. The restraints of law, which in times of public confusion are little regarded even by civilized nations, were totally despised by a fierce people unaccustomed to a regular administration of justice. The disorders in every corner of the kingdom were become intolerable; and, under the protection of the one or the other faction, crimes of every kind were committed with impunity. The Regent set himself to redress these, and by his industry and vigour, order and security were reestablished in the

⁵⁹ Strype, ii. 248. 288.

kingdom. But he lost the reputation due to this important service, by the avarice which he discovered in performing it; and his own exactions became more pernicious to the nation than all the irregularities which he restrained⁶⁰. Spies and informers were every where employed; the remembrance of old offences was revived; imaginary crimes were invented; petty trespasses were aggravated; and delinquents were forced to compound for their lives by the payment of exorbitant fines. At the same time the current coin was debased⁶¹; licenses were sold for carrying on prohibited branches of commerce; unusual taxes were imposed on commodities; and all the refinements in oppression, from which nations so imperfectly polished as the Scots are usually exempted, were put in practice. None of these were complained of more loudly, or with greater reason, than his injustice towards the church. The thirds of benefices, out of which the clergy received their subsistence, had always been slowly and irregularly paid to collectors appointed by the general assembly; and during the civil wars, no payment could be obtained in several parts of the kingdom. Under colour of redressing this grievance, and upon a promise of assigning every minister a stipend within his own parish, the Regent extorted from the church the thirds to which they had right by law. But the clergy, instead of reaping any advantage

⁶⁰ See Append. No. XL.

⁶¹ The corruption of the coin, during Morton's administration, was very great. Although the quantity of current money coined out of a pound of bullion was gradually increased by former Princes, the standard or fineness suffered little alteration, and the mixture of alloy was nearly the same with what is now used. But Morton mixed a fourth part of alloy with every pound of silver, and sunk, by consequence, the value of coin in proportion. In the year 1581, all the money coined by him was called in, and appointed to be recoined. The standard was restored to the same purity as formerly. Ruddim. Præf. to Anders. Diplom. p. 74.

from this alteration, found that payments became more irregular and dilatory than ever. One minister was commonly burthened with the care of four or five parishes, a pitiful salary was allotted him, and the Regent's insatiable avarice seized on the rest of the fund⁶².

The death of Charles IX., which happened this year, was a new misfortune to the Scottish Queen. Henry III., who succeeded him, had not the same attachment to her person; and his jealousy of the house of Guise, and obsequiousness to the Queen mother, greatly alienated him from her interest.

1575.] The death of the Duke of Chatelherault, [Jan. 22], must likewise be considered as some loss to Mary. As the parliament had frequently declared him next heir to the crown, this entitled him to great respect among his countrymen, and enabled him, more than any other person in the kingdom, to counterbalance the Regent's power.

Soon after, at one of the usual interviews between the wardens of the Scottish and English marches, a scuffle happened, in which the English were worsted; a few killed on the spot; and Sir James Forrester, the warden, with several gentlemen who attended him taken prisoners. But both Elizabeth and the Regent were too sensible of the advantage which resulted from the good understanding that subsisted between the two kingdoms, to allow this slight accident to interrupt it.

The domestic tranquillity of the kingdom was in some danger of being disturbed by another cause. Though the persons raised to the dignity of bishops possessed very small revenues and a very moderate degree of power, the clergy, to whom the Regent and all his measures were become extremely odious, began to be jealous of that order. Knowing that corruptions steal into the church gradually, under

⁶² Crawf. Mem. 272. Spotsw. 273. Cald. ii. 420. 427.

honourable names and upon decent pretences, they were afraid that from such small beginnings, the hierarchy might grow in time to be as powerful and oppressive as ever. The chief author of these suspicions was Mr. Andrew Melvil, a man distinguished by his uncommon erudition, by the severity of his manners, and the intrepidity of his mind. But, bred up in the retirement of a college, he was unacquainted with the arts of life; and being more attentive to the ends which he pursued than to the means which he employed for promoting them, he often defeated laudable designs by the impetuosity and imprudence with which he carried them on. A question was moved by him in the assembly, "Whether the office of Bishop, as now exercised in the kingdom, were agreeable to the word of God?" In the ecclesiastical judicatories continual complaints were made of the bishops for neglect of duty, many of which their known remissness too well justified. The Bishop of Dunkeld, being accused of dilapidating his benefice, was found guilty by the assembly. The Regent, instead of checking, connived at these disputes about ecclesiastical government, as they diverted the zeal of the clergy from attending to his daily encroachments on the patrimony of the church⁶³.

1576.] The weight of the Regent's oppressive administration had hitherto fallen chiefly on those in the lower and middle rank; but he began now to take such steps as convinced the nobles that their dignity would not long exempt them from feeling the effect of his power. An accident, which was a frequent cause of dissension among the Scottish nobles, occasioned a difference between the Earls of Argyll and Athol. A vassal of the former had made some depredations on the lands of the latter.

⁶³ Cald. Assemblies, 1574, &c. Johnst. Hist. 15.

Athol took arms to punish the offender—Argyll to protect him; and this ignoble quarrel they were ready to decide in the field, when the Regent, by interposing his authority, obliged them to disband their forces. Both of them had been guilty of irregularities, which, though common, were contrary to the letter of the law. Of these the Regent took advantage, and resolved to found on them a charge of treason. This design was revealed to the two Earls by one of Morton's retainers. The common danger to which they were exposed compelled them to forget old quarrels, and unite in a close confederacy for their mutual defence. Their junction rendered them formidable; they despised the summons which the Regent gave them to appear before a court of justice; and he was obliged to desist from any further prosecution. But the injury he intended made a deep impression on their minds, and drew upon him severe vengeance⁶⁴.

Nor was he more successful in an attempt which he made to load Lord Claud Hamilton with the guilt of having formed a conspiracy against his life. Though those who were supposed to be his accomplices were seized and tortured, no evidence of any thing criminal appeared; but, on the contrary, many circumstances discovered his innocence, as well as the Regent's secret views in imputing to him such an odious design⁶⁵.

1577.] The Scottish nobles, who were almost equal to their monarchs in power, and treated by them with much distinction, observed these arbitrary proceedings of a Regent with the utmost indignation. The people who, under a form of government extremely simple, had been little accustomed to the burden of taxes, complained loudly of the Regent's rapacity; and all began to turn their eyes towards the young

⁶⁴ *Craw. Mem.* 285.

⁶⁵ *Ibid.* 287.

King, from whom they expected the redress of all their grievances, and the return of a more gentle and more equal administration.

James was now in the twelfth year of his age. The Queen soon after his birth had committed him to the care of the Earl of Mar, and during the civil wars he had resided securely in the castle of Stirling. Alexander Erskine, that nobleman's brother, had the chief direction of his education. Under him the famous Buchanan acted as preceptor, together with three other masters, the most eminent the nation afforded for skill in those sciences which were deemed necessary for a prince. As the young King showed an uncommon passion for learning, and made great progress in it, the Scots fancied that they already discovered in him all those virtues which the fondness or credulity of subjects usually ascribes to princes during their minority. But as James was still far from that age at which the law permitted him to assume the reins of government, the Regent did not sufficiently attend to the sentiments of the people, nor reflect how naturally these prejudices in his favour might encourage the King to anticipate that period. He not only neglected to secure the friendship of those who were about the King's person, and who possessed his ear, but had even exasperated some of them by personal injuries. Their resentment concurred with the ambition of others, in infusing into the King early suspicions of Morton's power and designs. A King, they told him, had often reason to fear, seldom to love a Regent. Prompted by ambition and by interest, he would endeavour to keep the Prince in perpetual infancy, at a distance from his subjects, and unacquainted with business. A small degree of vigour, however, was sufficient to break the yoke. Subjects naturally reverence their sovereign, and become impatient of the temporary and delegated jurisdic-

tion of a Regent. Morton had governed with rigour unknown to the ancient Monarchs of Scotland. The nation groaned under his oppressions, and would welcome the first prospect of a milder administration. At present the King's name was hardly mentioned in Scotland, his friends were without influence, and his favourites without honour. But one effort would discover Morton's power to be as feeble as it was arbitrary. The same attempt would put himself in possession of his just authority, and rescue the nation from intolerable tyranny. If he did not regard his own rights as a King, let him listen at least to the cries of his people⁶⁶.

These suggestions made a deep impression on the young King, who was trained up in an opinion that he was born to command. His approbation of the design, however, was of small consequence without the concurrence of the nobles. The Earls of Argyll and Athol, two of the most powerful of that body, were animated with implacable resentment against the Regent. To them the cabal in Stirling Castle communicated the plot which was on foot; and they entering warmly into it, Alexander Erskine, who, since the death of his brother, and during the minority of his nephew, had the command of that fort and the custody of the King's person, admitted them secretly into the King's presence. They gave him the same account of the misery of his subjects, under the Regent's arbitrary administration; they complained loudly of the injustice with which themselves had been treated, and besought the King, as the only means for redressing the grievances of the nation, to call a council of all the nobles. James consented, and letters were issued in his name for that purpose; but the two Earls took care that they should be sent only to such as were known to bear no good will to Morton⁶⁷.

⁶⁶ Melvil, 249.

⁶⁷ Spotsw. 278.

The number of these was, however, so considerable, that on the day appointed for the greater part of the nobles assembled at Stirling; and so highly were they incensed against Morton, that although, on receiving intelligence of Argyll and Athol's interview with the King [March 24, 1578], he had made a feint as if he would resign the Regency, they advised the King, without regarding this offer, to deprive him of his office, and to take the administration of government into his own hands. Lord Glamis the chancellor, and Herries, were appointed to signify this resolution to Morton, who was at that time in Dalkeith, his usual place of residence. Nothing could equal the joy with which this unexpected resolution filled the nation, but the surprise occasioned by the seeming alacrity with which the Regent descended from so high a station. He neither wanted sagacity to foresee the danger of resigning, nor inclination to keep possession of an office, for the expiration of which the law had fixed so distant a term. But all the sources whence the faction of which he was head derived their strength had either failed, or now supplied his adversaries with the means of humbling him. The commons, the city of Edinburgh, the clergy, were all totally alienated from him by his multiplied oppressions. Elizabeth, having lately bound herself by treaty to send a considerable body of troops to the assistance of the inhabitants of the Netherlands, who were struggling for liberty, had little leisure to attend to the affairs of Scotland; and as she had nothing to dread from France, in whose councils the Princes of Lorraine had not at that time much influence, she was not displeased, perhaps, at the birth of new factions in the kingdom. Even those nobles who had long been joined with Morton in faction, or whom he had attached to his person by benefits, Glamis, Lindsay, Ruthven, Pitcairn the secretary, Murray of Tullibardin, comptroller, all

deserted his falling fortunes, and appeared in the council at Stirling. So many concurring circumstances convinced Morton of his own weakness, and determined him to give way to a torrent which was too impetuous to be resisted. He attended the Chancellor and Herries to Edinburgh [March 12]; was present when the King's acceptance of the government was proclaimed; and, in the presence of the people, surrendered to the King all the authority to which he had any claim in virtue of his office. This ceremony was accompanied with such excessive joy and acclamations of the multitude, as added, no doubt, to the anguish which an ambitious spirit must feel, when compelled to renounce supreme power; and convinced Morton how entirely he had lost the affections of his countrymen. He obtained, however, from the King an act containing the approbation of every thing done by him in the exercise of his office, and a pardon, in the most ample form that his fear or caution could devise, of all past offences, crimes, and treasons. The nobles, who adhered to the King, bound themselves under a great penalty, to procure the ratification of this act in the first parliament⁶⁸.

A council of twelve peers was appointed to assist the King in the administration of affairs.—Morton, deserted by his own party, and unable to struggle with the faction which governed absolutely at court, retired to one of his seats, and seemed to enjoy the tranquillity, and to be occupied only in the amusements of a country life. His mind, however, was deeply disquieted with all the uneasy reflections which accompany disappointed ambition, and intent on schemes for recovering his former grandeur. Even in this retreat, which the people called the *Lion's Den*, his wealth and abilities rendered him formidable; and the new counsellors were so imprudent as to rouse him, by the precipitancy with which they

⁶⁸ Spotsw. 278. Crawf. Mem. 289. Cald. ii. 522.

hastened to strip him of all the remains of power. They required him to surrender the castle of Edinburgh, which was still in his possession. He refused at first to do so, and began to prepare for its defence; but the citizens of Edinburgh having taken arms, and repulsed part of the garrison, which was sent out to guard a convoy of provisions, he was obliged to give up that important fortress without resistance. This encouraged his adversaries to call a Parliament to meet at Edinburgh, and to multiply their demands upon him in such a manner as convinced him that nothing less than his utter ruin would satisfy their inveterate hatred.

Their power and popularity, however, began already to decline. The Chancellor, the ablest and most moderate man in the party, having been killed at Stirling in an accidental rencounter between his followers and those of the Earl of Crawford; Athol, who was appointed his successor in that high office, the Earls of Eglington, Caithness, and Lord Ogilvie, all the prime favourites at court, were either avowed Papists, or suspected of leaning to the opinions of that sect. In an age when the return of Popery was so much and so justly dreaded, this gave universal alarm. As Morton had always treated the Papists with rigour, this unseasonable favour to persons of that religion made all zealous Protestants remember that circumstance in his administration with great praise⁶⁹.

Morton, to whom none of these particulars were unknown, thought this the proper juncture for setting to work the instruments which he had been preparing. Having gained the confidence of the Earl of Mar, and of the Countess his mother, he insinuated to them, that Alexander Erskine had formed a plot to deprive his nephew of the government of Stirling Castle, and the custody of the King's person; and

⁶⁹ Spotsw. 283.

easily induced an ambitious woman, and a youth of twenty, to employ force to prevent this supposed injury. The Earl repairing suddenly to Stirling [April 26], and being admitted as usual into the castle with his attendants, seized the gates early in the morning, and turned out his uncle, who dreaded no danger from his hands. The soldiers of the garrison submitted to him as their governor, and, with little danger and no effusion of blood, he became master both of the King's person and of the fortress⁷⁰.

An event so unexpected occasioned great consternation. Though Morton's hand did not appear in the execution, he was universally believed to be the author of the attempt. The new counsellors saw it to be necessary, for their own safety, to change their measures, and, instead of pursuing him with such implacable resentment, to enter into terms of accommodation with an adversary still so capable of creating them trouble. Four were named on each side to adjust their differences. They met not far from Dalkeith; and when they had brought matters near to a conclusion, Morton, who was too sagacious not to improve the advantage which their security and their attention to the treaty afforded him, set out in the nighttime for Stirling, and, having gained Murray of Tullibardin, Mar's uncle, was admitted by him into the castle [May 24]; and, managing matters there with his usual dexterity, he soon had more entirely the command of the fort than the Earl himself. He was likewise admitted to a seat in the privy council, and acquired as complete an ascendant in it⁷¹.

As the time appointed for the meeting of Parliament at Edinburgh now approached, this gave him some anxiety. He was afraid of conducting the young King to a city whose inhabitants were so much at the devotion of the adverse faction. He

⁷⁰ Cald. ii. 535.

⁷¹ Ibid. 536.

was no less unwilling to leave James behind at Stirling. In order to avoid this dilemma he issued a proclamation in the King's name, changing the place of meeting from Edinburgh to Stirling Castle. This Athol and his party represented as a step altogether unconstitutional. The King, said they, is Morton's prisoner: the pretended counsellors are his slaves; a parliament, to which all the nobles may repair without fear, and where they may deliberate with freedom, is absolutely necessary for settling the nation after disorders of such long continuance. But an assembly called contrary to all form, held within the walls of a garrison, and overawed by armed men, what safety could members expect? what liberty could prevail in debate? or what benefit result to the public? The parliament met, however, on the day appointed [July 25], and, notwithstanding the protestation of the Earl of Montrose and Lord Lindsay, in the name of their party, proceeded to business. The King's acceptance of the government was confirmed; the act granted to Morton, for his security, ratified; some regulations with regard to the numbers and authority of the privy council were agreed upon; and a pension for life granted to the Countess of Mar, who had been so instrumental in bringing about the late revolution⁷².

Meanwhile Argyll, Athol, and their followers took arms, upon the specious pretence of rescuing the King from captivity, and the kingdom from oppression. James himself, impatient of the servitude in which he was held by a man whom he had long been taught to hate, secretly encouraged their enterprise; though at the same time he was obliged not only to disavow them in public, but to levy forces against them, and even to declare, by proclamation, that he was perfectly free from any constraint, either upon his person or his will [Aug. 11]. Both sides

⁷² Cald. ii. 547. Parl. 5. Jac. 6.

quickly took the field. Argyll and Athol were at the head of seven thousand men; the Earl of Angus, Morton's nephew, met them with an army five thousand strong; neither party, however, was eager to engage. Morton distrusted the fidelity of his own troops. The two Earls were sensible that a single victory, however complete, would not be decisive; and, as they were in no condition to undertake the siege of Stirling Castle, where the King was kept, their strength would soon be exhausted, while Morton's own wealth, and the patronage of the Queen of England might furnish him with endless resources. By the mediation of Bowes, whom Elizabeth had sent into Scotland to negotiate an accommodation between the two factions, a treaty was concluded, in consequence of which Argyll and Athol were admitted into the King's presence; some of their party were added to the privy council; and a convention of nobles called, in order to bring all remaining differences to an amicable issue⁷³.

As soon as James assumed the government into his own hands, he dispatched the abbot of Dunfermling to inform Elizabeth of that event; to offer to renew the alliance between the two kingdoms; and to demand possession of the estate which had lately fallen to him by the death of his grandmother the Countess of Lennox. The lady's second son had left one daughter, Arabella Stewart, who was born in England. And as the chief objection against the pretensions of the Scottish line to the crown of England was that maxim of English law which excludes aliens from any right of inheritance within the kingdom, Elizabeth, by granting this demand, would have established a precedent in James's favour, that might have been deemed decisive with regard to a point which it had been her constant care to keep undecided. Without suffering this delicate question

⁷³ Crawf. Mem. 307.

to be tried, or allowing any new light to be thrown on that which she considered as the great mystery of her reign, she commanded Lord Burleigh, master of the wards, to sequester the rents of the estate; and, by this method of proceeding, gave the Scottish King early warning how necessary it would be to court her favour, if ever he hoped for success in claims of greater importance, but equally liable to be controverted⁷⁴.

1579.] After many delays, and with much difficulty, the contending nobles were at last brought to some agreement. But it was followed by a tragical event. Morton, in token of reconciliation, having invited the leaders of the opposite party to a great entertainment, Athol the chancellor was soon after taken ill, and died within a few days [April 24]. The symptoms and violence of the disease gave rise to strong suspicions of his being poisoned; and though the physicians who opened his body differed in opinion as to the cause of the distemper, the Chancellor's relations publicly accused Morton of that odious crime. The advantage which visibly accrued to him by the removal of a man of great abilities, and averse from all his measures, was deemed a sufficient proof of his guilt by the people, who are ever fond of imputing the death of eminent persons to extraordinary causes⁷⁵.

The office of chancellor was bestowed upon Argyll, whom this preferment reconciled, in a great measure, to Morton's administration. He had now recovered all the authority which he possessed during his regency, and had entirely broken or baffled the power and cabals of his enemies. None of the great families remained to be the objects of his jealousy, or to obstruct his designs, but that of Hamilton. The Earl of Arran, the eldest brother, had never recovered the shock which he received from the ill success of his

⁷⁴ Camd. 461.

⁷⁵ Spotsw. 306.

passion for the Queen, and had now altogether lost his reason. Lord John, the second brother, was in possession of the family estate; Lord Claud was commendator of Paisley; both of them young men, ambitious and enterprising. Morton dreaded their influence in the kingdom; the courtiers hoped to share their spoils among them; and as all princes naturally view their successors with jealousy and hatred, it was easy to infuse these passions into the mind of the young King. A pretence was at hand to justify the most violent proceedings. The pardon, stipulated in the treaty of Perth, did not extend to such as were accessory to the murder of the Regents Murray or Lennox. Lord John and his brother were suspected of being the authors of both these crimes, and had been included in a general act of attainder on that account. Without summoning them to trial, or examining a single witness to prove the charge, this attainder was now thought sufficient to subject them to all the penalties which they would have incurred by being formally convicted. The Earls of Morton, Mar, and Eglinton, together with the Lords Ruthven, Boyd, and Cathcart, received a commission to seize their persons and estates. On a few hours warning a considerable body of troops was ready, and marched towards Hamilton in hostile array. Happily the two brothers made their escape, though with great difficulty. But their lands were confiscated; the castles of Hamilton and Draffan besieged; those who defended them punished. The Earl of Arran, though incapable from his situation of committing any crime, was involved, by a shameful abuse of law, in the common ruin of his family; and, as if he too could have been guilty of rebellion, he was confined a close prisoner. These proceedings, so contrary to the fundamental principles of justice, were all ratified in the subsequent parliament⁷⁶.

⁷⁶ Crawf. Mem. 311. Spotsw. 306.

About this time Mary sent, by Nauè her secretary, a letter to her son, together with some jewels of value, and a vest embroidered with her own hand. But, as she gave him only the title of Prince of Scotland, the messenger was dismissed without being admitted into his presence⁷⁷.

Though Elizabeth had at this time no particular reason to fear any attempt of the Popish Princes in Mary's favour, she still continued to guard her with the same anxious care. The acquisition of Portugal on the one hand, and the defence of the Netherlands on the other, fully employed the councils and arms of Spain. France, torn in pieces by intestine commotions, and under a weak and capricious Prince, despised and distrusted by his own subjects, was in no condition to disturb its neighbours. Elizabeth had long amused that court by carrying on a treaty of marriage with the Duke of Alençon, the King's brother. But whether, at the age of forty-five, she really intended to marry a Prince of twenty; whether the pleasure of being flattered and courted made her listen to the addresses of so young a lover, whom she allowed to visit her at two different times, and treated with the most distinguishing respect; or whether considerations of interest predominated in this as well as in every other transaction of her reign, are problems in history which we are not concerned to resolve. During the progress of this negotiation, which was drawn out to an extraordinary length, Mary could expect no assistance from the French court, and seems to have held little correspondence with it; and there was no period in her reign, wherein Elizabeth enjoyed more perfect security.

Morton seems at this time to have been equally secure; but his security was not so well founded. He had weathered out one storm, had crushed his adversaries, and was again in possession of the sole

⁷⁷ Cawf. Mem. 314.

direction of affairs. But as the King was now of an age when the character and dispositions of the mind begin to unfold themselves, and to become visible, the smallest attention to these might have convinced him, that there was reason to expect new and more dangerous attacks on his power. James early discovered that excessive attachment to favourites, which accompanied him through his whole life. This passion, which naturally arises from inexperience and youthful warmth of heart, was, at his age, far from being culpable; nor could it be well expected that the choice of the objects on whom he placed his affections should be made with great skill. The most considerable of them was Esme Stewart, a native of France, and son of a second brother of the Earl of Lennox. He was distinguished by the title of Lord D'Aubigné, an estate in France, which descended to him from his ancestors, on whom it had been conferred in reward of their valour and services to the French crown. He arrived in Scotland about this time [Sept. 8], on purpose to demand the estate and title of Lennox, to which he pretended a legal right. He was received at first by the King with the respect due to so near a relation. The gracefulness of his person, the elegance of his dress, and his courtly behaviour, made a great impression on James, who, even in his more mature years, was little able to resist these frivolous charms; and his affection flowed with its usual rapidity and profusion. Within a few days after Stewart's appearance at court, he was created Lord Aberbrothock, soon after Earl and then Duke of Lennox, Governor of Dumbarton Castle, Captain of the Guard, First Lord of the Bedchamber, and Lord High Chamberlain. At the same time, and without any of the envy or emulation which is usual among candidates for favour, Captain James Stewart, the second son of Lord Ochiltree, grew into great confidence. But, notwithstanding this union,

Lennox and Captain Stewart were persons of very opposite characters. The former was naturally gentle, humane, candid; but unacquainted with the state of the country, and misled or misinformed by those whom he trusted; not unworthy to be the companion of the young King in his amusements, but utterly disqualified for acting as a minister in directing his affairs. The latter was remarkable for all the vices which render a man formidable to his country, and a pernicious counsellor to his Prince; nor did he possess any one virtue to counterbalance these vices, unless dexterity in conducting his own designs, and an enterprising courage superior to the sense of danger, may pass by that name. Unrestrained by religion, regardless of decency, and undismayed by opposition, he aimed at objects seemingly unattainable; but, under a Prince void of experience, and blind to all the defects of those who had gained his favour, his audacity was successful; and honours, wealth, and power, were the reward of his crimes.

Both the favourites concurred in employing their whole address to undermine Morton's credit, which alone obstructed their full possession of power. As James had been bred up with an aversion for that nobleman, who endeavoured rather to maintain the authority of a tutor, than to act with the obsequiousness of a minister, they found it no difficult matter to accomplish their design. Morton, who could no longer keep the King shut up within the walls of Stirling Castle, having called a parliament [Oct. 17] to meet at Edinburgh, brought him thither. James made his entry into the capital with great solemnity; the citizens received him with the loudest acclamations of joy, and with many expensive pageants, according to the mode of that age. After a long period of thirty-seven years, during which Scotland had been subjected to the delegated power of Regents, or to the feeble government of a woman; after

having suffered all the miseries of civil war, and felt the insolence of foreign armies, the nation rejoiced to see the sceptre once more in the hands of a King. Fond even of that shadow of authority, which a Prince of fifteen could possess, the Scots flattered themselves, that union, order, and tranquillity, would now be restored to the kingdom. James opened the parliament with extraordinary pomp, but nothing remarkable passed in it.

1580.] These demonstrations, however, of the people's love and attachment to their sovereign, encouraged the favourites to continue their insinuations against Morton; and as the King now resided in the palace of Holyrood House, to which all his subjects had access, the cabal against the Earl grew daily stronger, and the intrigue which occasioned his fall ripened gradually.

Morton began to be sensible of his danger, and endeavoured to put a stop to the career of Lennox's preferment, by representing him as a formidable enemy to the reformed religion, a secret agent in favour of Popery, and a known emissary of the house of Guise. The clergy, apt to believe every rumour of this kind, spread the alarm among the people. But Lennox, either out of complaisance to his master, or convinced by the arguments of some learned divines whom the King appointed to instruct him in the principles of the Protestant religion, publicly renounced the errors of Popery, in the church of St. Giles, and declared himself a member of the church of Scotland, by signing her Confession of Faith. This, though it did not remove all suspicions, nor silence some zealous preachers, abated, in a great degree, the force of the accusation⁷⁸.

On the other hand, a rumour prevailed that Morton was preparing to seize the King's person, and to carry him into England. Whether despair of maintaining

⁷⁸ *Crawf. Mem.* 319. *Spotsw.* 308.

his power by any other means, had driven him to make any overture of that kind to the English court, or whether it was a calumny invented by his adversaries to render him odious, cannot now be determined with certainty. As he declared at his death that such a design had never entered into his thoughts, the latter seems to be most probable. It afforded a pretence, however, for reviving the office of lord chamberlain, which had been for some time disused. That honour was conferred on Lennox. Alexander Erskine, Morton's capital enemy, was his deputy; they had under them a band of gentlemen, who were appointed constantly to attend the King, and to guard his person⁷⁹.

Morton was not ignorant of what his enemies intended to insinuate by such unusual precautions for the King's safety; and, as his last resource, applied to Elizabeth, whose protection had often stood him in stead in his greatest difficulties. In consequence of this application, Bowes, her envoy, accused Lennox of practices against the peace of the two kingdoms, and insisted, in her name, that he should instantly be removed from the privy council. Such an unprecedented demand was considered by the counsellors as an affront to the King, and an encroachment on the independence of the kingdom. They affected to call in question the envoy's powers, and upon that pretence refused him further audience; and he retiring in disgust, and without taking leave, Sir Alexander Home was sent to expostulate with Elizabeth on the subject. After the treatment which her envoy had received, Elizabeth thought it below her dignity to admit Home into her presence. Burleigh, to whom he was commanded to impart his commission, reproached him with his master's ingratitude towards a benefactress who had placed the crown on his head, and required him to advise the

⁷⁹ Crawf. Mem. 320.

King to beware of sacrificing the friendship of so necessary an ally to the giddy humours of a young man without experience, and strongly suspected of principles and attachments incompatible with the happiness of the Scottish nation.

This accusation of Lennox hastened, in all probability, Morton's fall. The act of indemnity, which he had obtained when he resigned the regency, was worded with such scrupulous exactness, as almost screened him from any legal prosecution. The murder of the late King was the only crime which could not, with decency, be inserted in a pardon granted by his son. Here Morton still lay open to the penalties of the law, and Captain Stewart, who shunned no action, however desperate, if it led to power or to favour, entered the council-chamber while the King and nobles were assembled, and [Dec. 30], falling on his knees, accused Morton of being accessory, or, according to the language of the Scottish law, *art and part*, in the conspiracy against the life of His Majesty's father, and offered, under the usual penalties, to verify this charge by legal evidence. Morton, who was present, heard this accusation with firmness; and replied with a disdainful smile, proceeding either from contempt of the infamous character of his accuser, or from consciousness of his own innocence, "that his own zeal in punishing those who were suspected of that detestable crime, might well exempt himself from any suspicion of being accessory to it; nevertheless, he would cheerfully submit to a trial, either in that place or in any other court; and doubted not but his own innocence and the malice of his enemies would then appear in the clearest light." Stewart, who was still on his knees, began to inquire how he would reconcile his bestowing so many honours on Archibald Douglas, whom he certainly knew to be one of the murderers, with his pretended zeal against that crime. Morton

was ready to answer. But the King commanded both to be removed [1581]. The Earl was confined, first of all to his own house, and then committed to the castle of Edinburgh, of which Alexander Erskine was governor; and, as if it had not been a sufficient indignity to subject him to the power of one of his enemies, he was soon after carried to Dumbarton, of which Lennox had the command. A warrant was likewise issued for apprehending Archibald Douglas; but he, having received timely intelligence of the approaching danger, fled into England⁸⁰.

The Earl of Angus, who imputed these violent proceedings not to hatred against Morton alone, but to the ancient enmity between the houses of Stewart and of Douglas, and who believed that a conspiracy was now formed for the destruction of all who bore that name, was ready to take arms in order to rescue his kinsman. But Morton absolutely forbade any such attempt, and declared that he would rather suffer ten thousand deaths than bring an imputation upon his own character by seeming to decline a trial⁸¹.

Elizabeth did not fail to interpose, with warmth, in behalf of a man who had contributed so much to preserve her influence over Scotland. The late transactions in that kingdom had given her great uneasiness. The power which Lennox had acquired independent of her was dangerous; the treatment her ambassadors had met with differed greatly from the respect with which the Scots were in use to receive her ministers; and the attack now made on Morton, fully convinced her that there was an intention to sow the seeds of discord between the two nations, and to seduce James into a new alliance with France, or into a marriage with some Popish Princess. Full of these apprehensions, she ordered a considerable body of troops to be assembled on the borders of Scotland, and dispatched Randolph

⁸⁰ Crawf. Mem. 323.

⁸¹ Johnst. 64. Spotsw. 311.

as her ambassador into that kingdom. He addressed himself not only to James, and to his council, but to a convention of estates met at that time. He began with enumerating the extraordinary benefits which Elizabeth had conferred on the Scottish nation: that without demanding a single foot of land for herself, without encroaching on the liberties of the kingdom in the smallest article, she had, at the expense of the blood of her subjects and the treasures of her crown, rescued the Scots from the dominion of France, established among them true religion, and put them in possession of their ancient rights: that from the beginning of civil dissensions in the kingdom, she had protected those who espoused the King's cause, and by her assistance alone, the crown had been preserved on his head, and all the attempts of the adverse faction baffled: that a union, unknown to their ancestors, but equally beneficial to both kingdoms, had subsisted for a long period of years, and though so many Popish Princes had combined to disturb this happy state of things, her care, and their constancy, had hitherto defeated all these efforts: that she had observed of late an unusual coldness, distrust, and estrangement in the Scottish council, which she could impute to none but to Lennox, a subject of France, a retainer to the house of Guise, bred up in the errors of popery, and still suspected of favouring that superstition. Not satisfied with having mounted so fast to an uncommon height of power, which he exercised with all the rashness of youth, and all the ignorance of a stranger; nor thinking it enough to have deprived the Earl of Morton of the authority due to his abilities and experience, he had conspired the ruin of that nobleman, who had often exposed his life in the King's cause, who had contributed more than any other subject to place him on the throne, to resist the encroachments of Popery, and to preserve the union between the two

kingdoms. If any zeal for religion remained among the nobles in Scotland, if they wished for the continuance of amity with England, if they valued the privileges of their own order, he called upon them, in the name of his mistress, to remove such a pernicious counsellor as Lennox from the presence of the young King, to rescue Morton out of the hands of his avowed enemy, and secure to him the benefit of a fair and impartial trial: and if force was necessary towards accomplishing a design so salutary to the King and kingdom, he promised them the protection of his mistress in the enterprise, and whatever assistance they should demand, either of men or money⁸².

But these extraordinary remonstrances, accompanied with such an unusual appeal from the King to his subjects, were not the only means employed by Elizabeth in favour of Morton, and against Lennox. She persuaded the Prince of Orange to send an agent into Scotland, and, under colour of complimenting James on account of the valour which many of his subjects had displayed in the service of the States, to enter into a long detail of the restless enterprises of the Popish Princes against the Protestant religion; to beseech him to adhere inviolably to the alliance with England, the only barrier which secured his kingdom against their dangerous cabals; and, above all things, to distrust the insinuations of those who endeavoured to weaken or to dissolve that union between the British nations, which all the Protestants in Europe beheld with so much pleasure⁸³.

James's counsellors were too intent upon the destruction of their enemy to listen to these remonstrances. The officious interposition of the Prince of Orange, the haughty tone of Elizabeth's message, and her avowed attempt to excite subjects to rebel against their sovereign, were considered as unexam-

⁸² Cald. iii. 6. Strype, ii. 621.

⁸³ Cald. iii. 9. See Append. No. XLI.

pled insults on the majesty and independence of a crowned head. A general and evasive answer was given to Randolph. James prepared to assert his own dignity with spirit. All those suspected of favouring Morton were turned out of office, some of them were required to surrender themselves prisoners; the men capable of bearing arms throughout the kingdom were commanded to be in readiness to take the field; and troops were levied and posted on the borders. The English ambassador, finding that neither the public manifesto which he had delivered to the convention, nor his private cabals with the nobles, could excite them to arms, fled in the night time out of Scotland, where libels against him had been daily published, and even attempts made upon his life. In both kingdoms every thing wore a hostile aspect. But Elizabeth, though she wished to have intimidated the Scottish King by her preparations, had no inclination to enter into a war with him; and the troops on the borders, which had given such umbrage, were soon dispersed⁸⁴.

The greater solicitude Elizabeth discovered for Morton's safety, the more eagerly did his enemies drive on their schemes for his destruction. Captain Stewart, his accuser, was first appointed *tutor* to the Earl of Arran, and soon after both the title and estate of his unhappy ward, to which he advanced some frivolous claim, were conferred upon him. The new-made peer was commanded to conduct Morton from Dumbarton to Edinburgh; and by that choice the Earl was not only warned what fate he might expect, but had the cruel mortification of seeing his deadly enemy already loaded with honours, in reward of the malice with which he had contributed to his ruin.

The records of the court of *justiciary* at this period are lost. The account which our historians

⁸⁴ Crawf. Mem. 328. Strype, ii. App. 138.

give of Morton's trial is inaccurate and unsatisfactory. The proceedings against him seem to have been carried on with violence. During the trial, great bodies of armed men were drawn up in different parts of the city. The jury was composed of the Earl's known enemies; and though he challenged several of them, his objections were overruled. After a short consultation, his peers found him guilty of concealing, and of being *art and part* in the conspiracy against the life of the late King. The first part of the verdict did not surprise him, but he twice repeated the words *art and part* with some vehemence, and added, "God knows it is not so." The doom which the law decrees against a traitor was pronounced. The King, however, remitted the cruel and ignominious part of the sentence, and appointed that he should suffer death next day, by being beheaded⁸⁵.

During that awful interval, Morton possessed the utmost composure of mind. He supped cheerfully; slept a part of the night in his usual manner, and employed the rest of his time in religious conferences, and in acts of devotion with some ministers of the city. The clergymen who attended him, dealt freely with his conscience, and pressed his crimes home upon him. What he confessed with regard to the crime for which he suffered is remarkable, and supplies, in some measure, the imperfection of our records. He acknowledged, that on his return from England, after the death of Rizio, Bothwell had informed him of the conspiracy against the King, which the Queen, as he told him, knew of and approved: that he solicited him to concur in the execution of it, which at that time he absolutely declined; that soon after Bothwell himself and Archibald Douglas, in his name, renewing their

⁸⁵ Spotsw. 314. Johnst. 65. Crawford. Mem. 332. Cald. iii. 45. Arnot's Crimin. Trials, 388.

solicitations to the same purpose, he had required a warrant under the Queen's hand, authorizing the attempt, and as that had never been produced, he had refused to be any further concerned in the matter. "But," continued he, "as I neither consented to this treasonable act, nor assisted in the committing of it, so it was impossible for me to reveal, or to prevent it. To whom could I make the discovery? The Queen was the author of the enterprise. Darnly was such a changeling, that no secret could be safely communicated to him. Huntly and Bothwell, who bore the chief sway in the kingdom, were themselves the perpetrators of the crime." These circumstances, it must be confessed, go some length towards extenuating Morton's guilt; and though his apology for the favour he had shown to Archibald Douglas, whom he knew to be one of the conspirators, be far less satisfactory, no uneasy reflections seem to have disquieted his own mind on that account⁸⁶. When his keepers told him that the guards were attending, and all things in readiness, "I praise my God," said he, "I am ready likewise." Arran commanded these guards; and even in those moments when the most implacable hatred is apt to relent, the malice of his enemies could not forbear this insult. On the scaffold, his behaviour was calm; his countenance and voice unaltered; and, after some time spent in devotion, he suffered death with the intrepidity which became the name of Douglas. His head was placed on the public gaol of Edinburgh; and his body after lying till sunset on the scaffold, covered with a beggarly cloak, was carried by common porters to the usual burial-place for criminals. None of his friends durst accompany it to the grave, or discover their gratitude and respect by any symptoms of sorrow⁸⁷.

Arran, no less profligate in private life than audacious in his public conduct, soon after drew the

⁸⁶ *Crawf. Mem.* App. iii. ⁸⁷ *Ibid.* Mem. 334. *Spotsw.* 314.

attention of his countrymen by his infamous marriage with the Countess of March. Before he grew into favour at court, he had been often entertained in her husband's house, and without regarding the laws of hospitality or of gratitude, carried on a criminal intrigue with the wife of his benefactor, a woman young and beautiful, but, according to the description of a cotemporary historian, "intolerable in all the imperfections incident to her sex." Impatient of any restraint upon their mutual desires, they, with equal ardour, wished to avow their union publicly, and to legitimate, by a marriage, the offspring of their unlawful passion. The Countess petitioned to be divorced from her husband, for a reason which no modest woman will ever plead. The judges, overawed by Arran, passed sentence without delay [July 6]. This infamous scene was concluded by a marriage, solemnized with great pomp, and beheld by all ranks of men with the utmost horror⁸⁸.

A parliament was held this year [Oct. 24], at the opening of which some disputes arose between Arran and the new created Duke of Lennox. Arran, haughty by nature, and pushed on by his wife's ambition, began to affect an equality with the Duke, under whose protection he had hitherto been contented to place himself. After various attempts to form a party in the council against Lennox, he found him fixed so firmly in the King's affections that it was impossible to shake him; and, rather than lose all interest at court, from which he was banished, he made the most humble submissions to the favourite, and again recovered his former credit. This rupture contributed, however, to render the Duke still more odious to the nation. During the continuance of it, Arran affected to court the clergy, pretended an extraordinary zeal for the Protestant religion, and laboured to confirm the suspicions which were enter-

⁸⁸ Spotsw. 315.

tained of his rival, as an emissary of the house of Guise, and a favourer of Popery. As he was supposed to be acquainted with the Duke's most secret designs, his calumnies were listened to with greater credit than was due to his character. To this rivalry between Lennox and Arran, during the continuance of which each endeavoured to conciliate the good will of the clergy, we must ascribe several acts of this parliament uncommonly favourable to the church, particularly one which abolished the practice introduced by Morton, of appointing but one minister to several parishes.

No notice hath been taken for several years of ecclesiastical affairs. While the civil government underwent so many extraordinary revolutions, the church was not free from convulsions. Two objects chiefly engrossed the attention of the clergy. The one was, the forming a system of discipline, or ecclesiastical polity. After long labour, and many difficulties, this system was at last brought to some degree of perfection. The assembly solemnly approved of it, and appointed it to be laid before the privy council in order to obtain the ratification of it in parliament. But Morton, during his administration, and those who, after his fall, governed the King, were equally unwilling to see it carried into execution; and, by starting difficulties and throwing in objections, prevented it from receiving a legal sanction. The other point in view was the abolition of the episcopal order. The bishops were so devoted to the King, to whom they owed their promotion, that the function itself was by some reckoned dangerous to civil liberty. Being allowed a seat in parliament, and distinguished by titles of honour, these not only occasioned many avocations from their spiritual functions, but soon rendered their character and manners extremely different from those of the clergy in that age. The nobles viewed their power

with jealousy; the populace considered their lives as profane; and both wished their downfall with equal ardour. The personal emulation between Melvil and Adamson, a man of learning and eminent for his popular eloquence, who was promoted, on the death of Douglas, to be Archbishop of St. Andrew's, mingled itself with the passions on each side, and heightened them. Attacks were made in every assembly on the order of bishops; their privileges were gradually circumscribed; and at last an act was passed, declaring the office of bishop, as it was then exercised within the realm, to have neither foundation nor warrant in the word of God; and requiring, under pain of excommunication, all who now possessed that office, instantly to resign it, and to abstain from preaching or administering the sacraments until they should receive permission from the General Assembly. The court did not acquiesce in this decree. A vacancy happening soon after in the see of Glasgow, Montgomery minister at Stirling, a man vain, fickle, presumptuous, and more apt, by the blemishes in his character, to have alienated the people from an order already beloved, than to reconcile them to one which was the object of their hatred, made an infamous simoniacal bargain with Lennox, and on his recommendation was chosen archbishop. The presbytery of Stirling, of which he was a member, the presbytery of Glasgow, whither he was to be translated, the General Assembly, vied with each other in prosecuting him on that account. In order to screen Montgomery, James made trial both of gentle and of rigorous measures, and both were equally ineffectual. The General Assembly was just ready to pronounce against him the sentence of excommunication, when a herald entered, and commanded them in the King's name, and under pain of rebellion, to stop further proceedings. Even this injunction they despised; and though Montgo-

mery, by his tears and seeming penitence, procured a short respite, the sentence was at last issued by their appointment, and published in all the churches throughout the kingdom.

The firmness of the clergy in a collective body was not greater than the boldness of some individuals, particularly of the ministers of Edinburgh. They inveighed daily against the corruptions in the administration; and, with the freedom of speech admitted into the pulpit in that age, named Lennox and Arran as the chief authors of the grievances under which the church and kingdom groaned. The courtiers, in their turn, complained to the King of the insolent and seditious spirit of the clergy. In order to check the boldness of their discourses, James issued a proclamation, commanding Dury, one of the most popular ministers, not only to leave the town, but to abstain from preaching in any other place. Dury complained to the judicatories of this encroachment upon the immunities of his office. They approved of the doctrine which he had delivered; and he determined to disregard the royal proclamation. But the magistrates being determined to compel him to leave the city, according to the King's orders, he was obliged to abandon his charge, after protesting publicly at the cross of Edinburgh against the violence which was put upon him. The people accompanied him to the gates with tears and lamentations; and the clergy denounced the vengeance of heaven against the authors of this outrage⁸⁹.

In this perilous situation stood the church, the authority of its judicators called in question, and the liberty of the pulpit restrained, when a sudden revolution of the civil government procured them unexpected relief.

The two favourites, by their ascendant over the King, possessed uncontrolled power in the kingdom.

⁸⁹ Cald. Assem. 1576—1582. Spotsw. 227, &c.

and exercised it with the utmost wantonness. James usually resided at Dalkeith or Kinneil, the seats of Lennox and of Arran, and was attended by such company, and employed in such amusements, as did not suit his dignity. The services of those who had contributed most to place the crown on his head were but little remembered. Many who had opposed him with the greatest virulence, enjoyed the rewards and honours to which the others were entitled. Exalted notions of regal prerogative, utterly inconsistent with the constitution of Scotland, being instilled by his favourites into the mind of the young monarch, unfortunately made at that early age a deep impression there, and became the source of almost all his subsequent errors in the government of both kingdoms⁹⁰. Courts of justice were held in almost every county, the proprietors of land were called before them, and upon the slightest neglect of any of the numerous forms which are peculiar to the feudal holdings they were fined with unusual and intolerable rigour. The lord chamberlain revived the obsolete jurisdiction of his office over the boroughs, and they were subjected to actions no less grievous. A design seemed likewise to have been formed to exasperate Elizabeth, and to dissolve the alliance with her, which all good Protestants esteemed the chief security of their religion in Scotland. A close correspondence was carried on between the King and his mother, and considerable progress made towards uniting their titles to the crown by such a treaty of association as Maitland had projected; which could not fail of endangering or diminishing his authority, and must have proved fatal to those who had acted against her with the greatest vigour⁹¹.

All these circumstances irritated the impatient spirit of the Scottish nobles, who resolved to tolerate no longer the insolence of the two minions, or to

⁹⁰ Cald. iii. 157.

⁹¹ Ibid. 357.

stand by while their presumption and inexperience ruined both the King and the kingdom. Elizabeth, who, during the administration of the four Regents, had the entire direction of the affairs of Scotland, felt herself deprived of all influence in that kingdom ever since the death of Morton, and was ready to countenance any attempt to rescue the King out of the hands of favourites who were leading him into measures so repugnant to all her views. The Earls of Mar and Glencairn, Lord Ruthven, lately created Earl of Gowrie, Lord Lindsay, Lord Boyd, the tutor of Glamis, the eldest son of Lord Oliphant, with several barons and gentlemen of distinction, entered into a combination for that purpose; and as changes in administration, which among polished nations are brought about slowly and silently by artifice and intrigue, were in that rude age effected suddenly and by violence, the King's situation, and the security of the favourites, encouraged the conspirators to have immediate recourse to force.

James, after having resided for some time in Athol, where he enjoyed his favourite amusement of hunting, was now returning towards Edinburgh with a small train. He was invited to Ruthven Castle, which lay in his way; and as he suspected no danger, he went thither in hopes of further sport [Aug. 12]. The multitude of strangers whom he found there gave him some uneasiness; and as those who were in the secret arrived every moment from different parts, the appearance of so many new faces increased his fears. He concealed his uneasiness, however, with the utmost care; and next morning prepared for the field, expecting to find there some opportunity of making his escape. But just as he was ready to depart, the nobles entered his bedchamber in a body, and presented a memorial against the illegal and oppressive actions of his two favourites, whom they represented as

most dangerous enemies to the religion and liberties of the nation. James, though he received this remonstrance with the complaisance which was necessary in his present situation, was extremely impatient to be gone; but as he approached the door of his apartment, the tutor of Glamis rudely stopped him. The King complained, expostulated, threatened, and, finding all these without effect, burst into tears: "No matter," said Glamis fiercely, "better children weep than bearded men." These words made a deep impression on the King's mind, and were never forgotten. The conspirators, without regarding his tears or indignation, dismissed such of his followers as they suspected; allowed none but persons of their own party to have access to him; and, though they treated him with great respect, guarded his person with the utmost care. This enterprise is usually called, by our historians, *The Raid of Ruthven*⁹².

Lennox and Arran were astonished to the last degree at an event so unexpected, and so fatal to their power. The former endeavoured, but without success, to excite the inhabitants of Edinburgh to take arms in order to rescue their sovereign from captivity. The latter with his usual impetuosity mounted on horseback the moment he heard what had befallen the King, and with a few followers rode towards Ruthven Castle; and as a considerable body of the conspirators, under the command of the Earl of Mar, lay in his way ready to oppose him, he separated himself from his companions, and with two attendants arrived at the gate of the castle. At the sight of a man so odious to his country the indignation of the conspirators rose, and instant death must have been the punishment of his rashness, if the friendship of Gowrie, or some other cause not explained by our historians, had not saved a life so pernicious to the kingdom. He was confined, how-

⁹² Cald. iii. 134. Spotsw. 320. Melv. 357.

ever, to the castle of Stirling, without being admitted into the King's presence.

The King, though really the prisoner of his own subjects, with whose conduct he could not help discovering many symptoms of disgust, was obliged to publish a proclamation, signifying his approbation of their enterprise, declaring that he was at full liberty, without any restraint or violence offered to his person; and forbidding any attempt against those concerned in the *Raid of Ruthren*, under pretence of rescuing him out of their hands [Aug. 28]. At the same time he commanded Lennox to leave Scotland before the 20th of September⁹³.

Soon after Sir George Carey and Robert Bowes arrived as ambassadors from Elizabeth. The pretext of their embassy was to inquire after the King's safety; to encourage and countenance the conspirators was the real motive of it. By their intercession the Earl of Angus, who, ever since the death of his uncle Morton, had lived in exile, obtained leave to return. And the accession of a nobleman so powerful and so popular strengthened the faction⁹⁴.

Lennox, whose amiable and gentle qualities had procured him many friends, and who received private assurances that the King's favour towards him was in no degree abated, seemed resolved at first to pay no regard to a command extorted by violence, and no less disagreeable to James than it was rigorous with regard to himself. But the power of his enemies, who were masters of the King's person, who were secretly supported by Elizabeth, and openly applauded by the clergy, deterred him from any enterprise the success of which was dubious, and the danger certain both to himself and to his sovereign. He put off the time of his departure, however, by various artifices, in expectation either that James might make his escape from the conspirators, or that

⁹³ Cald. iii. 135. 138.

⁹⁴ Ibid. 152.

fortune might present some more favourable opportunity of taking arms for his relief.

On the other hand, the conspirators were extremely solicitous not only to secure the approbation of their countrymen, but to obtain some legal sanction of their enterprise. For this purpose they published a long declaration, containing the motives which had induced them to venture on such an irregular step, and endeavoured to heighten the public indignation against the favourites, by representing in the strongest colours their inexperience and insolence, their contempt of the nobles, their violation of the privileges of the church, and their oppression of the people. They obliged the King, who could not with safety refuse any of their demands, to grant them a remission in the most ample form ; and, not satisfied with that, they applied to the assembly of the church, and easily procured an act [Oct. 3], declaring, “ that they had done good and acceptable service to God, to their sovereign, and to their native country ;” and requiring all sincere Protestants to concur with them in carrying forward such a laudable enterprise. In order to add the greater weight to this act, every minister was enjoined to read it in his own pulpit, and to inflict the censures of the church on those who set themselves in opposition to so good a cause. A convention of estates assembled a few days after, passed an act to the same effect, and granted full indemnity to the conspirators for every thing they had done⁹⁵.

James was conducted by them first to Stirling, and afterwards to the palace of Holyrood-house ; and though he was received every where with the external marks of respect due to his dignity, his motions were carefully observed, and he was under a restraint no less strict than at the first moment when he was seized by the conspirators. Lennox,

⁹⁵ Cald. 177. 187. 200. Spotsw. 322.

after eluding many commands to depart out of the kingdom, was at last obliged to begin his journey. He lingered, however, for some time in the neighbourhood of Edinburgh, as if he had still intended to make some effort towards restoring the King to liberty. But either from the gentleness of his own disposition, averse to bloodshed and the disorders of civil war, or from some other cause unknown to us, he abandoned the design and set out for France by the way of England. The King issued the order for his departure [Dec. 30], with no less reluctance than the Duke obeyed it; and both mourned a separation which neither of them had power to prevent. Soon after his arrival in France, the fatigue of the journey, or the anguish of his mind, threw him into a fever. In his last moments he discovered such a firm adherence to the Protestant faith as fully vindicates his memory from the imputation of an attachment to Popery, with which he had been uncharitably loaded in Scotland⁹⁶. As he was the earliest and best beloved, he was, perhaps, the most deserving, though not the most able, of all James's favourites. The warmth and tenderness of his master's affection for him were not abated by death itself. By many acts of kindness and generosity towards his posterity, the King not only did great honour to the memory of Lennox, but set his own character in one of its most favourable points of view.

The success of the conspiracy which deprived James of liberty made great noise over all Europe, and at last reached the ears of Mary in the prison to which she was confined. As her own experience had taught her what injuries a captive Prince is exposed to suffer; and as many of those who were now concerned in the enterprise against her son were the same persons whom she considered as the chief

⁹⁶ Spotsw. 324. Cald. iii. 172.

authors of her own misfortunes, it was natural for the tenderness of a mother to apprehend that the same calamities were ready to fall on his head ; and such a prospect did not fail of adding to the distress and horror of her own situation. In the anguish of her heart she wrote to Elizabeth, complaining in the bitterest terms of the unprecedented rigour with which she herself had been treated, and beseeching her not to abandon her son to the mercy of his rebellious subjects ; nor permit him to be involved in the same misfortunes under which she had so long groaned. The peculiar vigour and acrimony of style, for which this letter is remarkable, discovered both the high spirit of the Scottish Queen, unsubdued by her sufferings, and the violence of her indignation at Elizabeth's artifices and severity. But it was ill adapted to gain the end which she had in view, and accordingly it neither procured any mitigation of the rigour of her own confinement, nor any interposition in favour of the King⁹⁷.

1583.] Henry III. who, though he feared and hated the Princes of Guise, was often obliged to court their favour, interposed with warmth, in order to extricate James out of the hands of a party so entirely devoted to the English interest. He commanded M. de la Motte Fenelon, his ambassador at the court of England, to repair to Edinburgh, and to contribute his utmost endeavours towards placing James in a situation more suitable to his dignity. As Elizabeth could not with decency refuse him liberty to execute his commission, she appointed Davison to attend him into Scotland as her envoy, under colour of concurring with him in the negotiation, but in reality to be a spy upon his motions and to obstruct his success. James, whose title to the crown had not hitherto been recognised by any of the Princes on the continent, was extremely fond of

⁹⁷ Camd. 489.

such an honourable embassy from the French Monarch; and on that account, as well as for the sake of the errand on which he came, received Fenelon with great respect [Jan. 7]. The nobles, in whose power the King was, did not relish this interposition of the French court, which had long lost its ancient influence over the affairs of Scotland. The clergy were alarmed at the danger to which religion would be exposed, if the Princes of Guise should recover any ascendant over the public councils. Though the King tried every method for restraining them within the bounds of decency, they declaimed against the court of France, against the Princes of Guise, against the ambassador, against entering into any alliance with such notorious persecutors of the church of God, with a vehemence which no regular government would now tolerate, but which was then extremely common. The ambassador, watched by Davison, distrusted by the nobles, and exposed to the insults of the clergy and of the people, returned into England without procuring any change in the King's situation, or receiving any answer to a proposal which he made, that the government should be carried on in the joint names of James and the Queen his mother⁹⁸.

Meanwhile James, though he dissembled with great art, became every day more uneasy under his confinement; his uneasiness rendered him continually attentive to find out a proper opportunity for making his escape; and to this attention he at last owed his liberty, which the King of France was not able, nor the Queen of England willing, to procure for him. As the conspirators had forced Lennox out of the kingdom, and kept Arran at a distance from court, they grew secure; and imagining that time had reconciled the King to them and to his situation,

⁹⁸ Cald. iii. 207. Spotsw. 324. Murdin, 372, &c. See Appendix, No. XLII.

they watched him with little care. Some occasions of discord had arisen among themselves; and the French ambassador, by fomenting these during the time of his residence in Scotland, had weakened the union, in which alone their safety consisted⁹⁹. Colonel William Stewart, the commander of the band of gentlemen who guarded the King's person, being gained by James, had the principal merit in the scheme for restoring his master to liberty. Under pretence of paying a visit to the Earl of March, his grand-uncle, James was permitted to go from Falkland to St. Andrew's [June 27]. That he might not create any suspicion, he lodged at first in an open defenceless house in the town, but pretending a curiosity to see the castle, no sooner was he entered with some of his attendants whom he could trust, than Colonel Stewart commanded the gates to be shut, and excluded all the rest of his train. Next morning the Earls of Argyll, Huntly, Crawford, Montrose, Rothes, with others to whom the secret had been communicated, entered the town with their followers; and though Mar, with several of the leaders of the faction, appeared in arms, they found themselves so far outnumbered that it was in vain to think of recovering possession of the King's person, which had been in their power somewhat longer than ten months. James was naturally of so soft and ductile a temper that those who were near his person commonly made a deep impression on his heart, which was formed to be under the sway of favourites. As he remained implacable and unreconciled to the conspirators during so long a time, and at a period of life when resentments are rather violent than lasting, they must either have improved the opportunities of insinuating themselves into favour with little dexterity, or the indignation, with which this first insult to his person and authority filled him, must have been very great.

⁹⁹ Camd. 482.

His joy at his escape was youthful and excessive. He resolved, however, by the advice of Sir James Melvil, and his wisest counsellors, to act with the utmost moderation. Having called into his presence the leaders of both factions, the neighbouring gentry, the deputies of the adjacent boroughs, the ministers and the heads of colleges, he declared, that although he had been held under restraint for some time by violence, he would not impute that as a crime to any man, but, without remembering the irregularities which had been so frequent during his minority, would pass a general act of oblivion, and govern all his subjects with undistinguishing and equal affection. As an evidence of his sincerity he visited the Earl of Gowrie at Ruthven Castle, and granted him a full pardon of any guilt he had contracted by the crime committed in that very place¹⁰⁰.

But James did not adhere long to this prudent and moderate plan. His former favourite, the Earl of Arran, had been permitted for some time to reside at Kinneil, one of his country seats. As soon as the King felt himself at liberty, his love for him began to revive, and he expressed a strong desire to see him. The courtiers violently opposed the return of a minion, whose insolent and overbearing temper they dreaded as much as the nation detested his crimes. James, however, continued his importunity, and promising that he should continue with him no longer than one day, they were obliged to yield. This interview rekindled ancient affection; the King forgot his promise; Arran regained his ascendant over him; and within a few days resumed the exercise of power, with all the arrogance of an undeserving favourite, and all the rashness peculiar to himself¹.

The first effect of his influence was a proclamation with regard to those concerned in the *Raid of Ruthven*. They were required to acknowledge their crime in the humblest manner; and the King promised to

¹⁰⁰ Melv. 272.

¹ Ibid. 274.

grant them a full pardon, provided their future conduct were such as did not oblige him to remember past miscarriages. The tenor of this proclamation was extremely different from the act of oblivion which the conspirators had been encouraged to expect. Nor did any of them reckon it safe to rely on a promise clogged with such an equivocal condition, and granted by a young Prince under the dominion of a minister void of faith, regardless of decency, and transported by the desire of revenge even beyond the usual ferocity of his temper. Many of the leaders, who had at first appeared openly at court, retired to their own houses; and, foreseeing the dangerous storm which was gathering, began to look for a retreat in foreign countries².

Elizabeth, who had all along protected the conspirators, was extremely disgusted with measures which tended so visibly to their destruction, and wrote to the King [Aug. 7], a harsh and haughty letter, reproaching him, in a style very uncommon among Princes, with breach of faith in recalling Arran to court, and with imprudence in proceeding so rigorously against his best and most faithful subjects. James, with a becoming dignity, replied, that promises extorted by violence, and conditions yielded out of fear, were no longer binding when these were removed; that it belonged to him alone to choose what ministers he would employ in his service; and that though he resolved to treat the conspirators at Ruthven with the utmost clemency, it was necessary, for the support of his authority, that such an insult on his person should not pass altogether uncensured³.

Elizabeth's letter was quickly followed [Sept. 1] by Walsingham her secretary, whom she appointed her ambassador to James, and who appeared at the Scottish court with a splendour and magnificence well calculated to please and dazzle a young Prince.

² Melv. 278. Spotsw. 326. Cald. iii. 330. ³ Melv. 279.

Walsingham was admitted to several conferences with James himself, in which he insisted on the same topics contained in the letter, and the King repeated his former answers.

After suffering several indignities from the arrogance of Arran and his creatures, he returned to England without concluding any new treaty with the King. Walsingham was, next to Burleigh, the minister on whom the chief weight of the English administration rested; and when a person of his rank stepped so far out of the ordinary road of business as to undertake a long journey in his old age, and under a declining state of health, some affair of consequence was supposed to be the cause, or some important event was expected to be the effect of this measure. But as nothing conspicuous either occasioned or followed this embassy, it is probable that Elizabeth had no other intention in employing this sagacious minister than to discover with exactness the capacity and disposition of the Scottish King, who was now arrived at a time of life when, with some degree of certainty, conjectures might be formed concerning his character and future conduct. As James possessed talents of that kind which make a better figure in conversation than in action, he gained a great deal by this interview with the English secretary, who, notwithstanding the cold reception which he met with, gave such an advantageous representation of his abilities, as determined Elizabeth to treat him, henceforward, with greater decency and respect⁴.

Elizabeth's eagerness to protect the conspirators rendered James more violent in his proceedings against them. As they had all refused to accept of pardon upon the terms which he had offered, they were required, by a new proclamation, to surrender themselves prisoners. The Earl of Angus alone

⁴ Melv. 293. Cald. iii. 258. Jebb, ii. 536.

complied; the rest either fled into England, or obtained the King's licence to retire into foreign parts. A convention of estates was held [Dec. 17], the members of which, deceived by an unworthy artifice of Arran's, declared those concerned in the *Raid of Ruthven* to have been guilty of high treason; appointed the act passed last year approving of their conduct to be expunged out of the records; and engaged to support the King in prosecuting the fugitives with the utmost rigour of law.

The conspirators, though far from having done any thing that was uncommon in that age, among mutinous nobles, and under an unsettled state of government, must be acknowledged to have been guilty of an act of treason against their sovereign; and James, who considered their conduct in this light, had good reason to boast of his clemency, when he offered to pardon them upon their confessing their crime. But, on the other hand, it must be allowed that, after the King's voluntary promise of a general oblivion, they had some reason to complain of breach of faith, and, without the most unpardonable imprudence, could not have put their lives in Arran's power.

1584.] The interest of the church was considerably affected by these contrary revolutions. While the conspirators kept possession of power, the clergy not only recovered, but extended their privileges. As they had formerly declared the hierarchy to be unlawful, they took some bold measures towards exterminating the episcopal order out of the church; and it was owing more to Adamson's dexterity in perplexing and lengthening out the process for that purpose, than to their own want of zeal, that they did not deprive, and perhaps excommunicate, all the bishops in Scotland. When the King recovered his liberty, things put on a very different aspect. The favour bestowed upon Arran, the enemy of every

thing decent and sacred, and the rigorous prosecution of those nobles who had been the most zealous defenders of the Protestant cause, were considered as sure presages of the approaching ruin of the church. The clergy could not conceal their apprehensions, nor view this impending danger in silence. Dury, who had been restored to his office as one of the ministers of Edinburgh, openly applauded the *Raid of Ruthven* in the pulpit; at which the King was so enraged that, notwithstanding some symptoms of his submission, he commanded him to resign his charge in the city. Mr. Andrew Melvil, being summoned before the privy council to answer for the doctrine which he had uttered in a sermon at St. Andrew's, and accused of comparing the present grievances of the nation with those under James III., and of intimating obliquely that they ought to be redressed in the same manner, thought it incumbent on him to behave with great firmness. He declined the jurisdiction of a civil court in a cause which he maintained to be purely ecclesiastical; the presbytery, of which he was a member, had, as he contended, the sole right to call him to account, for words spoken in the pulpit; and neither the King nor council could judge, in the first instance, of the doctrine delivered by preachers, without violating the immunities of the church. This exemption from civil jurisdiction was a privilege which the Popish ecclesiastics, admirable judges of whatever contributed to increase the lustre or power of their body, had long struggled for, and had at last obtained. If the same plea had now been admitted, the Protestant clergy would have become independent on the civil magistrate; and an order of men extremely useful to society, while they inculcate those duties which tend to promote its happiness and tranquillity, might have become no less pernicious, by teaching without fear or control the most dangerous principles, or by ex-

citing their hearers to the most desperate and lawless actions. The King, jealous to excess of his prerogative, was alarmed at this daring encroachment on it; and as Melvil, by his learning and zeal, had acquired the reputation and authority of head of the party, he resolved to punish him with the rigour which that preeminence rendered necessary, and to discourage, by a timely severity, the revival of such a dangerous claim. Melvil, however, avoided his rage by flying into England; and the pulpits resounded with complaints that the King had extinguished the light of learning in the kingdom, and deprived the church of the ablest and most faithful guardian of its liberties and discipline⁵.

These violent declamations of the clergy against the measures of the court were extremely acceptable to the people. The conspirators, though driven out of the kingdom, still possessed great influence there; and as they had every thing to fear from the resentment of a young Prince, irritated by the furious counsels of Arran, they never ceased soliciting their adherents to take arms in their defence. Gowrie, the only person among them who had submitted to the King, and accepted of a pardon, soon repented of a step which lost him the esteem of one party, without gaining the confidence of the other; and, after suffering many mortifications from the King's neglect and the haughtiness of Arran, he was at last commanded to leave Scotland, and to reside in France. While he waited at Dundee for an opportunity to embark, he was informed that the Earls of Angus, Mar, and the tutor of Glamis, had concerted a scheme for surprising the castle of Stirling. In his situation, little persuasion was necessary to draw him to engage in it. Under various pretexts he put off his voyage, and lay ready to take arms on the day fixed by the conspirators for the execution of

⁵ Spotsw. 330. Cald. iii. 304.

their enterprise. His lingering so long at Dundee, without any apparent reason, awakened the suspicion of the court, proved fatal to himself, and disappointed the success of the conspiracy. Colonel William Stewart surrounded the house where he lodged with a body of soldiers, and, in spite of his resistance, took him prisoner. Two days after, Angus, Mar, and Glamis seized the castle of Stirling, and, erecting their standard there, published a manifesto, declaring that they took arms for no other reason but to remove from the King's presence a minion who had acquired power by the most unworthy actions, and who exercised it with the most intolerable insolence. The account of Gowrie's imprisonment struck a damp upon their spirits. They imputed it to treachery on his part, and suspected, that as he had formerly deserted, he had now betrayed them. At the same time Elizabeth having neglected to supply them in good time with a sum of money, which she had promised to them, and their friends and vassals coming in slowly, they appeared irresolute and disheartened; and as the King, who acted with great vigour, advanced towards them at the head of twenty thousand men, they fled precipitately towards England, and with difficulty made their escape⁶. This rash and feeble attempt produced such effects as usually follow disappointed conspiracies. It not only hurt the cause for which it was undertaken, but added strength and reputation to the King; confirmed Arran's power; and enabled them to pursue their measures with more boldness and greater success. Gowrie was the first victim of their resentment. After a very informal trial, a jury of peers found him guilty of treason, and he was publicly beheaded at Stirling.

To humble the church was the King's next step. But as it became necessary, for this purpose, to call

⁶ Home's Hist. of House of Dougl. 376. Spotsw. 330. Calderw. iii. 324, &c.

in the aid of the legislative authority, a parliament was hastily summoned [May 22]: and while so many of the nobles were banished out of the kingdom, or forbidden to appear in the King's presence; while Arran's haughtiness kept some at a distance, and intimidated others; the meeting consisted only of such as were absolutely at the devotion of the court. In order to conceal the laws which were framing from the knowledge of the clergy, the lords of the articles were sworn to secrecy; and when some of the ministers, who either suspected or were informed of the danger, deputed one of their number to declare their apprehensions to the King, he was seized at the palace gate, and carried to a distant prison. Others, attempting to enter the parliament house, were refused admittance⁷; and such laws were passed as totally overturned the constitution and discipline of the church. The refusing to acknowledge the jurisdiction of the privy council; the pretending an exemption from the authority of the civil courts; the attempting to diminish the rights and privileges of any of the three estates in parliament, were declared to be high treason. The holding assemblies, whether civil or ecclesiastical, without the King's permission or appointment; the uttering, either privately or publicly, in sermons or in declamations, any false and scandalous reports against the King, his ancestors, or ministers, were pronounced capital crimes⁸.

When these laws were published at the cross of Edinburgh, according to the ancient custom, Mr. Robert Pont, minister of St. Cuthbert's and one of the lords of session, solemnly protested against them, in the name of his brethren, because they had been passed without the knowledge or consent of the church. Ever since the Reformation, the pulpits and ecclesiastical judicatories had both been esteemed sacred. In the former, the clergy had been accus-

⁷ Cald. iii. 365.

⁸ Parl. 8 Jac. VI.

tomed to censure and admonish with unbounded liberty. In the latter, they exercised an uncontrolled and independent jurisdiction. The blow was now aimed at both these privileges. These new statutes were calculated to render churchmen as inconsiderable as they were indigent; and as the avarice of the nobles had stripped them of the wealth, the King's ambition was about to deprive them of the power which once belonged to their order. No wonder the alarm was universal, and the complaints loud. All the ministers of Edinburgh forsook their charge, and fled into England. The most eminent clergymen throughout the kingdom imitated their example. Desolation and astonishment appeared in every part of the Scottish church; the people bewailed the loss of pastors whom they esteemed; and, full of consternation at an event so unexpected, openly expressed their rage against Arran, and began to suspect the King himself to be an enemy to the reformed religion⁹.

⁹ Spotsw. 333.

THE HISTORY OF SCOTLAND.

BOOK VII.

1584.

WHILE Scotland was torn by intestine factions, Elizabeth was alarmed with the rumour of a project in agitation for setting Mary at liberty. Francis Throckmorton, a Cheshire gentleman, was suspected of being deeply concerned in the design, and on that suspicion he was taken into custody. Among his papers were found two lists, one of the principal harbours in the kingdom, with an account of their situation, and of the depth of water in each; the other, of all the eminent Roman Catholics in England. This circumstance confirmed the suspicion against him, and some dark and desperate conspiracy was supposed just ready to break out. At first he boldly avowed his innocence, and declared that the two papers were forged by the Queen's ministers, in order to intimidate or ensnare him; and he even endured the rack with the utmost fortitude. But being brought a second time to the place of torture, his resolution failed him, and he not only acknowledged that he had held a secret correspondence with the Queen of Scots, but discovered a design that was formed to invade England. The Duke of Guise, he said, undertook to furnish troops, and to conduct the enterprise. The Pope and King of Spain were to

supply the money necessary for carrying it on; all the English exiles were ready to take arms; many of the Catholics at home would be ready to join them at their landing; Mendoza, the Spanish ambassador, who was the life of the conspiracy, spared no pains in fomenting the spirit of disaffection among the English, or in hastening the preparations on the continent; and by his command, he made the two lists, the copies whereof had been found in his possession. This confession he retracted at his trial; returned to it again after sentence was passed on him; and retracted it once more at the place of execution¹.

To us in the present age who are assisted in forming our opinion of this matter by the light which time and history have thrown upon the designs and characters of the Princes of Guise, many circumstances of Throckmorton's confession appear to be extremely remote from truth, or even from probability. The Duke of Guise was, at that juncture, far from being in a situation to undertake foreign conquests. Without either power or office at court; hated by the King, and persecuted by the favourites; he had no leisure for any thoughts of disturbing the quiet of neighbouring states; his vast and ambitious mind was wholly occupied in laying the foundation of that famous league which shook the throne of France. But at the time when Elizabeth detected this conspiracy, the close union between the house of Guise and Philip was remarkable to all Europe; and as their great enterprise against Henry III. was not yet disclosed, as they endeavoured to conceal that under their threatenings to invade England, Throckmorton's discovery appeared to be extremely probable; and Elizabeth, who knew how ardently all the parties mentioned by him wished her downfall, thought that she could not guard her kingdom with too much care. The indiscreet zeal of the

¹ Hollingshed, 1370.

English exiles increased her fears. Not satisfied with incessant outcries against her severity towards the Scottish Queen, and her cruel persecution of her Catholic subjects, not thinking it enough that one Pope had threatened her with the sentence of excommunication, and another had actually pronounced it, they now began to disperse books and writings, in which they endeavoured to persuade their disciples, that it would be a meritorious action to take away her life; they openly exhorted the maids of honour to treat her as Judith did Holofernes, and, by such an illustrious deed, to render their own names honourable and sacred in the church throughout all future ages². For all these reasons, Elizabeth not only inflicted the punishment of a traitor on Throckmorton, but commanded the Spanish ambassador instantly to leave England; and that she might be in no danger of being attacked within the island, she determined to use her utmost efforts in order to recover that influence over the Scottish councils, which she had for some time entirely lost.

There were three different methods by which Elizabeth might hope to accomplish this: either by furnishing such effectual aid to the banished nobles as would enable them to resume the chief direction of affairs; or by entering into such a treaty with Mary, as might intimidate her son, who, being now accustomed to govern, would not be averse from agreeing to any terms rather than resign the sceptre, or admit an associate in the throne; or, by gaining the Earl of Arran, to secure the direction of the King his master. The last was not only the easiest and speediest, but most likely to be successful. This Elizabeth resolved to pursue; but without laying the other two altogether aside. With this view she sent Davidson, one of her principal secretaries, a man of abilities and address, into Scotland. A minister

² Camb. 497.

so venal as Arran, hated by his own countrymen, and holding his power by the most precarious of all tenures, the favour of a young Prince, accepted Elizabeth's offers without hesitation, and deemed the acquisition of her protection to be the most solid foundation of his own greatness [Aug. 13]. Soon after he consented to an interview with Lord Hunsdon, the governor of Berwick, and being honoured with the pompous title of Lieutenant General for the King, he appeared at the place appointed with a splendid train. In Hunsdon's presence he renewed his promises of an inviolable and faithful attachment to the English interest, and assured him that James should enter into no negotiation which might tend to interrupt the peace between the two kingdoms; and as Elizabeth began to entertain the same fears and jealousies concerning the King's marriage, which had formerly disquieted her with regard to his mother's, he undertook to prevent James from listening to any overture of that kind, until he had previously obtained the Queen of England's consent³.

The banished lords and their adherents soon felt the effects of Arran's friendship with England. As Elizabeth had permitted them to take refuge in her dominions, and several of her ministers were of opinion that she ought to employ her arms in defence of their cause, the fear of this was the only thing which restrained James and his favourite from proceeding to such extremities against them as might have excited the pity or indignation of the English, and have prompted them to exert themselves with vigour in their behalf. But every apprehension of this kind being now removed [Aug. 22], they ventured to call a parliament, in which an act was passed, attainting Angus, Mar, Glamis, and a great number of their followers. Their estates devolved to the crown; and, according to the practice of the Scottish

³ Cald. iii. 491. Melv. 315. See Append. No. XLIII.

monarchs, who were obliged to reward the faction which adhered to them, by dividing with it the spoils of the vanquished, James dealt out the greater part of these to Arran and his associates⁴.

Nor was the treatment of the clergy less rigorous. All ministers, readers, and professors in colleges were enjoined to subscribe, within forty days, a paper testifying their approbation of the laws concerning the church enacted in the last parliament. Many, overawed or corrupted by the court, yielded obedience; others stood out. The stipends of the latter were sequestered, some of the more active committed to prison, and numbers compelled to fly the kingdom. Such as complied fell under the suspicion of acting from mercenary or ambitious motives. Such as adhered to their principles, and suffered in consequence of it, acquired a high reputation, by giving this convincing evidence of their firmness and sincerity. The judicatories of the church were almost entirely suppressed. In some places scarce as many ministers remained as to perform the duties of religious worship; they soon sunk in reputation among the people; and being prohibited not only from discoursing of public affairs, but obliged by the jealousy of the administration to frame every sentiment and expression in such a manner as to give the court no offence, their sermons were deemed languid, insipid, and contemptible; and it became the general opinion, that, together with the most virtuous of the nobles and the most faithful of the clergy, the power and vigour of religion were now banished out of the kingdom⁵.

Meanwhile, Elizabeth was carrying on one of those fruitless negotiations with the Queen of Scots, which it had become almost matter of form to renew every year. They served not only to amuse that unhappy Princess with some prospect of liberty, but furnished an apology for eluding the solicitations of foreign

⁴ Cald. iii. 527.

⁵ Ibid. 589.

powers on her behalf; and were of use to overawe James, by showing him that she could at any time set free a dangerous rival to dispute his authority. These treaties she suffered to proceed to what length she pleased, and never wanted a pretence for breaking them off when they became no longer necessary. The treaty now on foot was not, perhaps, more sincere than many which preceded it; the reasons, however, which rendered it ineffectual were far from being frivolous.

As Crichton, a Jesuit, was sailing from Flanders towards Scotland, the ship on board of which he was a passenger happened to be chased by pirates, who, in that age, often infested the narrow seas. Crichton, in great confusion, tore in pieces some papers in his custody, and threw them away; but, by a very extraordinary accident, the wind blew them back into the ship, and they were immediately taken up by some of the passengers, who carried them to Wade, the clerk of the privy council. He, with great industry and patience, joined them together, and they were found to contain the account of a plot, said to have been formed by the King of Spain and the Duke of Guise, for invading England. The people were not yet recovered from the fear and anxiety occasioned by the conspiracy in which Throckmorton had been engaged; and as his discoveries appeared now to be confirmed by additional evidence, not only all their former apprehensions recurred, but the consternation became general and excessive. As all the dangers, with which England had been threatened for some years, flowed either immediately from Mary herself, or from such as made use of her name to justify their insurrections and conspiracies, this gradually diminished the compassion due to her situation, and the English, instead of pitying, began to fear and to hate her. Elizabeth, under whose wise and pacific reign the English enjoyed tranquillity, and

had opened sources of wealth unknown to their ancestors, was extremely beloved by all her people; and regard to her safety, not less than to their own interest, animated them against the Scottish Queen. In order to discourage her adherents, it was thought necessary to convince them, by some public deed, of the attachment of the English to their own sovereign, and that any attempt against her life would prove fatal to her rival. With this view an *association* was framed [Oct. 19], the subscribers of which bound themselves by the most solemn oaths, “to defend the Queen against all her enemies, foreign and domestic; and if violence should be offered to her life, in order to favour the title of any pretender to the crown, they not only engaged never to allow or acknowledge the person or persons by whom, or for whom, such a detestable act should be committed, but vowed, in the presence of the eternal God, to prosecute such person or persons to the death, and to pursue them, with their utmost vengeance, to their utter overthrow and extirpation⁶.” Persons of all ranks subscribed this combination with the greatest eagerness and unanimity⁷.

Mary considered this association, not only as an avowed design to exclude her from all right of succession, but as the certain and immediate forerunner of her destruction. In order to avert this, she made such feeble efforts as were still in her power, and sent Naué, her secretary, to court, with offers of more entire resignation to the will of Elizabeth, in every point which had been the occasion of their long enmity, than all her sufferings hitherto had been able to extort⁸. But whether Mary adhered inflexibly to her privileges as an independent sovereign, or, yielding to the necessity of her situation, endeavoured by concessions to sooth her rival, she was equally unsuccessful. Her firmness was imputed to

⁶ State Trials, i. 122.

⁷ Camd. 499.

⁸ Ibid.

obstinacy, or to the secret hope of foreign assistance; her concessions were either believed to be insincere, or to flow from the fear of some imminent danger. Her present willingness, however, to comply with any terms was so great that Walsingham warmly urged his mistress to come to a final agreement with her⁹. But Elizabeth was persuaded, that it was the spirit raised by the association which had rendered her so passive and compliant. She always imagined that there was something mysterious and deceitful in all Mary's actions, and suspected her of carrying on a dangerous correspondence with the English Catholics, both within and without the kingdom. Nor were her suspicions altogether void of foundation. Mary had, about this time, written a letter to Sir Francis Inglesfield, urging him to hasten the execution of what she calls the *Great Plot or Designment*, without hesitating on account of any danger in which it might involve her life, which she would most willingly part with, if by that sacrifice she could procure relief for so great a number of the oppressed children of the church¹⁰. Instead, therefore, of hearkening to the overtures which the Scottish Queen made, or granting any mitigation of the hardships of which she complained, Elizabeth resolved to take her out of the hands of the Earl of Shrewsbury, and to appoint Sir Amias Paulet and Sir Drue Drury to be her keepers. Shrewsbury had discharged his trust with great fidelity, during fifteen years, but, at the same time, had treated Mary with gentleness and respect, and had always sweetened harsh commands by the humanity with which he put them in execution. The same politeness was not to be expected from men of an inferior rank, whose severe vigilance perhaps was their chief recommendation to that employment, and the only merit by which they could pretend to gain favour or preferment¹¹.

⁹ See App. No. XLIV. ¹⁰ Strype, iii. 246. ¹¹ Camd. 500.

As James was no less eager than ever to deprive the banished nobles of Elizabeth's protection, he appointed the Master of Gray his ambassador to the court of England, and intrusted him with the conduct of a negotiation for that purpose. For this honour he was indebted to the envy and jealousy of the Earl of Arran. Gray possessed all the talents of a courtier; a graceful person, an insinuating address, boundless ambition, and a restless and intriguing spirit. During his residence in France, he had been admitted into the most intimate familiarity with the Duke of Guise, and, in order to gain his favour, had renounced the Protestant religion, and professed the utmost zeal for the captive Queen, who carried on a secret correspondence with him, from which she expected great advantages. On his return into Scotland, he paid court to James with extraordinary assiduity, and his accomplishments did not fail to make their usual impression on the King's heart. Arran, who had introduced him, began quickly to dread his growing favour; and, flattering himself that absence would efface any sentiments of tenderness which were forming in the mind of a young Prince, pointed him out by his malicious praises as the most proper person in the kingdom for an embassy of such importance; and contributed to raise him to that high dignity, in order to hasten his fall. Elizabeth, who had an admirable dexterity in discovering the proper instruments for carrying on her designs, endeavoured, by caresses, and by presents, to secure Gray to her interest. The former flattered his vanity, which was great; the latter supplied his profuseness, which was still greater. He abandoned himself without reserve to Elizabeth's direction, and not only undertook to retain the King under the influence of England, but acted as a spy upon the Scottish Queen, and betrayed to her rival every

secret that he could draw from her by his high pretensions of zeal in her service¹².

Gray's credit with the English court was extremely galling to the banished nobles. Elizabeth no longer thought of employing her power to restore them; she found it easier to govern Scotland by corrupting the King's favourites; and, in compliance with Gray's solicitations [Dec. 31], she commanded the exiles to leave the north of England, and to remove into the heart of the kingdom. This rendered it difficult for them to hold any correspondence with their partisans in Scotland, and almost impossible to return thither without her permission. Gray, by gaining a point which James had so much at heart, riveted himself more firmly than ever in his favour; and, by acquiring greater reputation, became capable of serving Elizabeth with greater success¹³.

1585.] Arran had now possessed for some time all the power, the riches, and the honours, that his immoderate ambition could desire, or the fondness of a Prince, who set no limits to his liberality towards his favourites, could bestow. The office of lord chancellor, the highest and most important in the kingdom, was conferred upon him, even during the life of the Earl of Argyll, who succeeded Athol in that dignity¹⁴; and the public beheld with astonishment and indignation, a man educated as a soldier of fortune, ignorant of law, and a contemner of justice, appointed to preside in parliament, in the privy council, in the court of session, and intrusted with the supreme disposal of the property of his fellow subjects. He was, at the same time, governor of the castles of Stirling and Edinburgh, the two principal forts in Scotland; provost of the city of Edinburgh; and, as if by all these accumulated dignities his

¹² Strype, iii. 302. Melv. 316.

¹³ Cald. iii. 643.

¹⁴ Crawf. Offic. of State, App. 447.

merits were not sufficiently recompensed, he had been created lieutenant-general over the whole kingdom. No person was admitted into the King's presence without his permission ; no favour could be obtained but by his mediation. James, occupied with youthful amusements, devolved upon him the whole regal authority. Such unmerited elevation increased his natural arrogance, and rendered it intolerable. He was no longer content with the condition of a subject, but pretended to derive his pedigree from Murdo Duke of Albany ; and boasted openly, that his title to the crown was preferable to that of the King himself. But, together with these thoughts of royalty, he retained the meanness suitable to his primitive indigence. His venality as a judge was scandalous, and was exceeded only by that of his wife, who, in defiance of decency, made herself a party in almost every suit which came to be decided, employed her influence to corrupt or overawe the judges, and almost openly dictated their decisions¹⁵. His rapaciousness as a minister was insatiable. Not satisfied with the revenues of so many offices ; with the estate and honours which belonged to the family of Hamilton ; or with the greater part of Gowrie's lands, which had fallen to his share ; he grasped at the possessions of several of the nobles. He required Lord Maxwell to exchange part of his estate for the forfeited lands of Kinneil ; and because he was unwilling to quit an ancient inheritance for a possession so precarious, he stirred up against him his hereditary rival, the Laird of Johnson, and involved that corner of the kingdom in a civil war. He committed to prison the Earl of Athol, Lord Home, and the Master of Cassils ; the first, because he would not divorce his wife, the daughter of the Earl of Gowrie, and entail his estate on him ; the second, because he was unwilling to part with some lands

¹⁵ Cald. iii. 331. Scotstarvet's Staggering State, 7.

adjacent to one of Arran's estates; and the third, for refusing to lend him money. His spies and informers filled the whole country, and intruded themselves into every company. The nearest neighbours distrusted and feared each other. All familiar society was at an end. Even the common intercourse of humanity were interrupted, no man knowing in whom to confide or where to utter his complaints. There is not perhaps in history an example of a minister so universally detestable to a nation, or who more justly deserved its detestation¹⁶.

Arran, notwithstanding, regardless of the sentiments and despising the murmurs of the people, gave a loose to his natural temper, and proceeded to acts still more violent. David Home of Argaty, and Patrick his brother, having received letters from one of the banished lords about private business, were condemned and put to death, for holding correspondence with rebels. Cunninghame of Drumwhasel, and Douglas of Mains, two gentlemen of honour and reputation, were accused of having conspired with the exiled nobles to seize the King's person: a single witness only appeared; the evidence they produced of their innocence was unanswerable; their accuser himself not long after acknowledged that he had been suborned by Arran; and all men believed the charge against them to be groundless: they were found guilty, notwithstanding, and suffered the death of traitors¹⁷.

About the same time that these gentlemen were punished for a pretended conspiracy, Elizabeth's life was endangered by a real one. Parry, a doctor of laws, and a member of the house of commons, a man vain and fantastic, but of a resolute spirit, had lately been reconciled to the church of Rome; and fraught with the zeal of a new convert, he offered

¹⁶ Spotsw. 337, 338.

¹⁷ Ibid. 338. Cald. iii. 794.

to demonstrate the sincerity of his attachment to the religion which he had embraced, by killing Elizabeth. Cardinal Allan had published a book, to prove the murder of an excommunicated Prince to be not only lawful, but a meritorious action. The Pope's nuncio at Venice, the Jesuits both there and at Paris, the English exiles, all approved of the design. The Pope himself exhorted him to persevere; and granted him for his encouragement a plenary indulgence, and remission of his sins. Cardinal di Como wrote to him a letter to the same purpose; but though he often got access to the Queen, fear, or some remaining sense of duty, restrained him from perpetrating the crime. Happily his intention was at last discovered by Nevil, the only person in England to whom he had communicated it; and having himself voluntarily confessed his guilt, he suffered the punishment which it deserved¹⁸.

These repeated conspiracies against their sovereign awakened the indignation of the English parliament, and produced a very extraordinary statute, which, in the end, proved fatal to the Queen of Scots. By this law the association in defence of Elizabeth's life was ratified; and it was further enacted, "That if any rebellion shall be excited in the kingdom, or any thing attempted to the hurt of Her Majesty's person, *by or for* any person pretending a title to the crown, the Queen shall empower twenty-four persons, by a commission under the great seal, to examine into, and pass sentence upon such offences; and after judgment given, a proclamation shall be issued, declaring the persons whom they find guilty excluded from any right to the crown; and Her Majesty's subjects may lawfully pursue every one of them to the death, with all their aiders and abettors; and if any design

¹⁸ State Trials, i. 103.

against the life of the Queen take effect, the persons *by or for* whom such a detestable act is executed, and *their issues*, being in any wise assenting or privy to the same, shall be disabled for ever from pretending to the crown, and be pursued to death in the like manner¹⁹." This act was plainly leveled at the Queen of Scots; and, whether we consider it as a voluntary expression of the zeal and concern of the nation for Elizabeth's safety, or whether we impute it to the influence which that artful Princess preserved over her parliaments, it is no easy matter to reconcile it with the general principles of justice or humanity. Mary was thereby rendered accountable not only for her own actions, but for those of others; in consequence of which she might forfeit her right of succession, and even her life itself.

Mary justly considered this act as a warning to prepare for the worst extremities. Elizabeth's ministers, it is probable, had resolved by this time to take away her life; and suffered books to be published, in order to persuade the nation that this cruel and unprecedented measure was not only necessary but just²⁰. Even that short period of her days which remained they rendered uncomfortable, by every hardship and indignity which it was in their power to inflict. Almost all her servants were dismissed, she was treated no longer with the respect due to a Queen; and, though the rigour of seventeen years' imprisonment had broken her constitution, she was confined to two ruinous chambers, scarcely habitable, even in the middle of summer, by reason of cold. Notwithstanding the scantiness of her revenue, she had been accustomed to distribute regularly some alms among the poor in the village adjoining to the castle. Paulet now refused her liberty to perform this pious and humane office, which had afforded her great consolation amidst her own sufferings.

¹⁹ State Trials, vol. i. 123.

²⁰ Strype, iii. 299.

The castle in which she resided was converted into a common prison ; and a young man, suspected of Popery, was confined there, and treated under her eye with such rigour that he died of the ill usage. She often complained to Elizabeth of these multiplied injuries, and expostulated as became a woman and a Queen ; but as no political reason now obliged that Princess to amuse her any longer with fallacious hopes, far from granting her any redress, she did not even deign to give her any answer. The King of France, closely allied to Elizabeth, on whom he depended for assistance against his rebellious subjects, was afraid of espousing Mary's cause with any warmth ; and all his solicitations in her behalf were feeble, formal, and inefficacious. But Castelnau, the French ambassador, whose compassion and zeal for the unhappy Queen supplied the defects in his instructions, remonstrated with such vigour against the indignities to which she was exposed, that, by his importunity, he prevailed at length to have her removed to Tuthbury ; though she was confined the greater part of another winter in her present wretched habitation²¹.

Neither the insults of her enemies nor the neglect of her friends made such an impression on Mary as the ingratitude of her son. James had hitherto treated his mother with filial respect, and had even entered into negotiations with her, which gave umbrage to Elizabeth. But as it was not the interest of the English Queen that his good correspondence should continue, Gray, who, on his return to Scotland, found his favour with the King greatly increased by the success of his embassy, persuaded him to write a harsh and undutiful letter to his mother, in which he expressly refused to acknowledge her to be Queen of Scotland, or to consider his affairs as connected, in any wise, with hers. This cruel requital of her

²¹ Jebb, vol. ii. 576—598.

maternal tenderness overwhelmed Mary with sorrow and despair. "Was it for this," said she, in a letter to the French ambassador [March 24], "that I have endured so much, in order to preserve for him the inheritance to which I have a just right? I am far from envying his authority in Scotland. I desire no power there; nor wish to set my foot in that kingdom, if it were not for the pleasure of once embracing a son, whom I have hitherto loved with too tender affection. Whatever he either enjoys or expects, he derived it from me. From him I never received assistance, supply, or benefit of any kind. Let not my allies treat him any longer as a King: he holds that dignity by my consent; and if a speedy repentance do not appease my just resentment, I will load him with a parent's curse, and surrender my crown, with all my pretensions, to one who will receive them with gratitude, and defend them with vigour²²." The love which James bore to his mother, whom he had never known, and whom he had been early taught to consider as one of the most abandoned persons of her sex, cannot be supposed ever to have been ardent; and he did not now take any pains to regain her favour. But whether her indignation at his undutiful behaviour, added to her bigoted attachment to Popery, prompted Mary at any time to think seriously of disinheriting her son; or whether these threatenings were uttered in a sudden sally of disappointed affection, it is now no easy matter to determine. Some papers which are still extant seem to render the former not improbable²³.

Cares of another kind, and no less disquieting, occupied Elizabeth's thoughts. The calm which she had long enjoyed seemed now to be at an end; and such storms were gathering in every quarter as filled her with just alarm. All the neighbouring nations

²² Murdin, 566. Jebb, ii. 571. See Append. No. XLV.

²³ See Append. No. XLVI.

had undergone revolutions extremely to her disadvantage. The great qualities which Henry III. had displayed in his youth, and which raised the expectations of his subjects so high, vanished on his ascending the throne; and his acquiring supreme power seems not only to have corrupted his heart, but to have impaired his understanding. He soon lost the esteem and affection of the nation; and a life divided between the austerities of a superstitious devotion, and the extravagancies of the most dissolute debauchery, rendered him as contemptible as he was odious on account of his rapaciousness, his profusion, and the fondness with which he doted on many unworthy minions. On the death of his only brother, those sentiments of the people burst out with violence. Henry had no children, and though but thirty-two years of age, the succession of the crown was already considered as open. The King of Navarre, a distant descendant of the royal family, but the undoubted heir to the crown, was a zealous Protestant. The prospect of an event so fatal to their religion, as his ascending the throne of France, alarmed all the Catholics in Europe; and induced the Duke of Guise, countenanced by the Pope and aided by the King of Spain, to appear as the defender of the Romish faith, and the assertor of the Cardinal of Bourbon's right to the crown. In order to unite the party, a bond of confederacy was formed, distinguished by the name of the *Holy League*. All ranks of men joined in it with emulation. The spirit spread with the irresistible rapidity which was natural to religious passions in that age. The destruction of the Reformation, not only in France, but all over Europe, seemed to be the object and wish of the whole party; and the Duke of Guise, the head of this mighty and zealous body, acquired authority in the kingdom far superior to that which the King himself possessed. Philip II. by the conquest of Portugal, had greatly

increased the naval power of Spain, and had at last reduced under his dominion all that portion of the continent which lies beyond the Pyrenean mountains, and which nature seems to have destined to form one great monarchy. William Prince of Orange, who first encouraged the inhabitants of the Netherlands to assert their liberties, and whose wisdom and valour formed and protected the rising commonwealth, had fallen by the hands of an assassin. The superior genius of the Prince of Parma had given an entire turn to the fate of war in the Low Countries; all his enterprises, concerted with consummate skill, and executed with equal bravery, had been attended with success; and the Dutch, reduced to the last extremity, were on the point of falling under the dominion of their ancient master.

None of those circumstances to which Elizabeth had hitherto owed her security existed any longer. She could derive no advantage from the jealousy which had subsisted between France and Spain; Philip, by means of his confederacy with the Duke of Guise, had an equal sway in the councils of both kingdoms. The Hugonots were unable to contend with the power of the League; and little could be expected from any diversion which they might create. Nor was it probable that the Netherlands could long employ the arms or divide the strength of Spain. In this situation of the affairs of Europe, it became necessary for Elizabeth to form a new plan of conduct; and her wisdom in forming it was not greater than the vigour with which she carried it on. The measures most suitable to her natural temper, and which she had hitherto pursued, were cautious and safe; those which she now adopted were enterprising and hazardous. She preferred peace, but was not afraid of war; and was capable, when compelled by necessity, not only of defending herself with spirit, but of attacking her enemies with a boldness which

averted danger from her own dominions. She immediately furnished the Hugonots with a considerable supply in money. She carried on a private negotiation with Henry III., who, though compelled to join the League, hated the leaders of it, and wished for their destruction. She openly undertook the protection of the Dutch commonwealth, and sent a powerful army to its assistance. She endeavoured to form a general confederacy of the Protestant Princes, in opposition to the Popish league. She determined to proceed with the utmost rigour against the Queen of Scots, whose sufferings and rights afforded her enemies a specious pretence for invading her dominions. She resolved to redouble her endeavours, in order to effect a closer union with Scotland, and to extend and perpetuate her influence over the councils of that nation.

She found it no difficult matter to induce most of the Scottish courtiers to promote all her designs. Gray, Sir John Maitland, who had been advanced to the office of secretary, which his brother formerly held, Sir Lewis Bellenden, the justice clerk, who had succeeded Gray as the King's resident at London, were the persons in whom she chiefly confided. In order to direct and quicken their motions, she dispatched [May 29] Sir Edward Wotton, along with Bellenden, into Scotland. This man was gay, well bred, and entertaining; he excelled in all the exercises for which James had a passion, and amused the young king by relating the adventures which he had met with, and the observations he had made during a long residence in foreign countries; but, under the veil of these superficial qualities, he concealed a dangerous and intriguing spirit. He soon grew into high favour with James; and while he was seemingly attentive only to pleasure and diversions, he acquired influence over the public councils to a degree which was indecent for a stranger to possess²⁴.

²⁴ Melv. 317.

Nothing, however, could be more acceptable to the nation, than the proposal which he made of a strict alliance between the two kingdoms, in defence of the reformed religion. The rapid and alarming progress of the Popish league seemed to call on all Protestant Princes to unite for the preservation of their common faith. James embraced the overture with warmth [July 29], and a convention of estates empowered him to conclude such a treaty, and engaged to ratify it in parliament²⁵. The alacrity with which James concurred in this measure must not be wholly ascribed either to his own zeal, or to Wotton's address; it was owing in part to Elizabeth's liberality. As a mark of her motherly affection for the young King, she settled on him an annual pension of five thousand pounds; the same sum which her father had allotted her before she ascended the throne. This circumstance, which she took care to mention, rendered a sum, which in that age was far from being inconsiderable, a very acceptable present to the King, whose revenues, during a long minority, had been almost totally dissipated²⁶.

But the chief object of Wotton's intrigues was to ruin Arran. While a minion so odious to the nation continued to govern the King, his assistance could be of little advantage to Elizabeth. And though Arran, ever since his interview with Hunsdon, had appeared extremely for her interest, she could place no great confidence in a man whose conduct was so capricious and irregular, and who, notwithstanding his protestations to the contrary, still continued a secret correspondence both with Mary and with the Duke of Guise. The banished lords were attached to England from affection as well as principle, and were the only persons among the Scots whom, in any dangerous exigency, she could thoroughly trust. Before Bellenden left London, they had been summoned thither, under colour of vindicating themselves

²⁵ Spotsw. 339.

²⁶ Cald. iii. 505.

from his accusations, but, in reality, to concert with him the most proper measures for restoring them to their country. Wotton pursued this plan, and endeavoured to ripen it for execution; and it was greatly facilitated by an event neither uncommon nor considerable. Sir John Forster, and Ker of Ferniherst, the English and Scottish wardens of the middle marches, having met, according to the custom of the borders, about midsummer, a fray arose, and Lord Russel, the Earl of Bedford's eldest son, happened to be killed. This scuffle was purely accidental; but Elizabeth chose to consider it as a design formed by Ker, at the instigation of Arran, to involve the two kingdoms in war. She insisted that both should be delivered up to her; and, though James eluded that demand, he was obliged to confine Arran in St. Andrew's, and Ker in Aberdeen. During his absence from court, Wotton and his associates carried on their intrigues without interruption. By their advice [Oct. 16], the banished nobles endeavoured to accommodate their differences with Lord John and Lord Claud, the Duke of Chatelherault's two sons, whom Morton's violence had driven out of the kingdom. Their common sufferings and common interest induced both parties to bury in oblivion the ancient discord which had subsisted between the houses of Hamilton and Douglas. By Elizabeth's permission, they returned in a body to the borders of Scotland. Arran, who had again recovered favour, insisted on putting the kingdom in a posture of defence; but Gray, Bellenden, and Maitland, secretly thwarted all his measures. Some necessary orders they prevented from being issued: others they rendered ineffectual by the manner of execution; and all of them were obeyed slowly, and with reluctance²⁷.

Wotton's fertile brain was, at the same time, big with another and more dangerous plot. He had

²⁷ Spotsw. 349.

contrived to seize the King, and to carry him by force into England. But the design was happily discovered; and, in order to avoid the punishment which his treachery merited, he departed without taking leave²⁸.

Meanwhile the banished lords hastened the execution of their enterprise; and, as their friends and vassals were now ready to join them, they entered Scotland. Wherever they came, they were welcomed as the deliverers of their country, and the most fervent prayers were addressed to Heaven for the success of their arms. They advanced, without losing a moment, towards Stirling, at the head of ten thousand men. The King, though he had assembled an army superior in number, could not venture to meet them in the field with troops whose loyalty was extremely dubious, and who at best were far from being hearty in the cause; nor was either the town or castle provided for a siege. The gates, however, of both were shut, and the nobles encamped at St. Ninian's [Nov. 2]. That same night they surprised the town, or, more probably, it was betrayed into their hands; and Arran, who had undertaken to defend it, was obliged to save himself by a precipitate flight. Next morning they invested the castle, in which there were not provisions for twenty-four hours; and James was necessitated immediately to hearken to terms of accommodation. They were not so elated with success as to urge extravagant demands, nor was the King unwilling to make every reasonable concession. They obtained a pardon, in the most ample form, of all the offences which they had committed; the principal forts in the kingdom were, by way of security, put into their hands; Crawford, Montrose, and Colonel Stewart were removed from the King's presence; and a parliament was called in order to establish tranquillity in the nation²⁹.

²⁸ Melv. 335.

²⁹ Cald. iii. 795.

Dec. 10.] Though a great majority in this parliament consisted of the confederate nobles and their adherents, they were far from discovering a vindictive spirit. Satisfied with procuring an act, restoring them to their ancient honours and estates, and ratifying the pardon granted by the King, they seemed willing to forget all past errors in the administration, and spared James the mortification of seeing his ministers branded with any public note of infamy. Arran alone, deprived of all his honours, stripped of his borrowed spoils, and declared an enemy to his country by public proclamation, sunk back into obscurity, and must henceforth be mentioned by his primitive title of Captain James Stewart. As he had been, during his unmerited prosperity, the object of the hatred and indignation of his countrymen, they beheld his fall without pity, nor did all his sufferings mitigate their resentment in the least degree.

The clergy were the only body of men who obtained no redress of their grievances by this revolution. The confederate nobles had all along affected to be considered as guardians of the privileges and discipline of the church. In all their manifestoes they had declared their resolution to restore these, and by that popular pretence had gained many friends. It was now natural to expect some fruit of these promises, and some returns of gratitude towards many of the most eminent preachers who had suffered in their cause, and who demanded the repeal of the laws passed the preceding year. The King, however, was resolute to maintain these laws in full authority; and as the nobles were extremely solicitous not to disgust him by insisting on any disagreeable request, the claims of the church in this as well as in many other instances were sacrificed to the interest of the laity. The ministers gave vent to their indignation in the pulpit, and their impatience under the disappointment broke out in some expres-

sions extremely disrespectful even towards the King himself³⁰.

1586.] The Archbishop of St. Andrew's, too, felt the effects of their anger. The provincial synod of Fife summoned him to appear, and to answer for his contempt of the decrees of former assemblies, in presuming to exercise the functions of a bishop. Though he refused to acknowledge the jurisdiction of the court, and appealed from it to the King, a sentence of excommunication, equally indecent and irregular, was pronounced against him. Adamson, with no less indecency, thundered his archiepiscopal excommunication against Melvil, and some other of his opponents.

Soon after [April 13], a general assembly was held, in which the King, with some difficulty, obtained an act, permitting the name and office of bishop still to continue in the church. The power of the order, however, was considerably retrenched. The exercise of discipline, and the inspection of the life and doctrine of the clergy, were committed to presbyteries, in which bishops should be allowed no other preeminence but that of presiding as perpetual moderators. They themselves were declared to be subject, in the same manner as other pastors, to the jurisdiction of the general assembly. As the discussion of the Archbishop's appeal might have kindled unusual heats in the assembly, that affair was terminated by a compromise. He renounced any claim of supremacy over the church, and promised to demean himself suitably to the character of a bishop, as described by St. Paul. The assembly, without examining the foundations of the sentence of excommunication, declared that it should be held of no effect, and restored him to all the privileges which he enjoyed before it was pronounced. Notwithstanding the extraordinary tenderness shown for the honour

³⁰ Spotsw. 343.

of the synod, and the delicacy and respect with which its jurisdiction was treated, several members were so zealous as to protest against this decision³¹.

The Court of Scotland was now filled with persons so warmly attached to Elizabeth, that the league between the two kingdoms, which had been proposed last year, met with no interruption, but from D'Esneval, the French envoy. James himself first offered to renew the negotiations. Elizabeth did not suffer such a favourable opportunity to slip, and instantly dispatched Randolph [July 5], to conclude a treaty, which she so much desired. The danger to which the Protestant religion was exposed, by the late combination of the Popish powers for its destruction, and the necessity of a strict confederacy among those who had embraced the Reformation, in order to obstruct their pernicious designs, were mentioned as the foundation of the league. The chief articles in it were, that both parties should bind themselves to defend the Evangelical religion; that the league should be offensive and defensive against all who shall endeavour to disturb the exercise of religion in either kingdom; that if one of the two parties be invaded, the other, notwithstanding any former alliance, should not, directly or indirectly, assist the invader; that if England be invaded in any part remote from Scotland, James should assist the Queen with two thousand horse and five thousand foot: that if the enemy landed or approached within sixty miles of Scotland, the King should take the field with his whole forces, in the same manner as he would do in defence of his whole kingdom. Elizabeth, in return, undertook to act in defence of Scotland, if it should be invaded. At the same time she assured the King that no step should be taken, which might derogate in any degree from his pretensions to the English crown³². Elizabeth expressed great

³¹ Cald. iii. 894. Spotsw. 346.

³² Spotsw. 351.

satisfaction with a treaty, which rendered Scotland an useful ally, instead of a dangerous neighbour, and afforded her a degree of security on that side, which all her ancestors had aimed at, but none of them had been able to obtain. Zeal for religion, together with the blessings of peace which both kingdoms had enjoyed during a considerable period, had so far abated the violence of national antipathy, that the King's conduct was universally acceptable to his own people³³.

The acquittal of Archibald Douglas, at this time, exposed James to much and deserved censure. This man was deeply engaged in the conspiracy against the life of the King his father. Both Morton and Binny, one of his own servants, who suffered for that crime, had accused him of being present at the murder³⁴. He had escaped punishment by flying into England, and James had often required Elizabeth to deliver up a person so unworthy of her protection. He now obtained a licence, from the King himself, to return into Scotland; and, after undergoing a mock trial, calculated to conceal rather than to detect his guilt, he was not only taken into favour by the King, but sent back to the court of England with the honourable character of his ambassador. James was now of such an age that his youth and inexperience cannot be pleaded in excuse for this indecent transaction. It must be imputed to the excessive facility of his temper, which often led him to gratify his courtiers at the expense of his own dignity and reputation³⁵.

Not long after, the inconsiderate affection of the English Catholics towards Mary, and their implacable resentment against Elizabeth, gave rise to a conspiracy which proved fatal to the one Queen, left

³³ Camd. 513.

³⁴ See Append. No. XLVII. Arnot, Crim. Trials, 7, &c.

³⁵ Spotsw. 348. Cald. iii. 917.

an indelible stain on the reputation of the other, and presented a spectacle to Europe, of which there had been hitherto no example in the history of mankind.

Doctor Gifford, Gilbert Gifford, and Hodgson, priests educated in the seminary at Rheims, had adopted an extravagant and enthusiastic notion, that the bull of Pius V. against Elizabeth was dictated immediately by the Holy Ghost. This wild opinion they instilled into Savage, an officer in the Spanish army, noted for his furious zeal and daring courage; and persuaded him that no service could be so acceptable to heaven, as to take away the life of an excommunicated heretic. Savage, eager to obtain the crown of martyrdom, bound himself by a solemn vow to kill Elizabeth. Ballard, a pragmatistical priest of that seminary, had at that time come over to Paris [April 26], and solicited Mendoza, the Spanish ambassador there, to procure an invasion of England, while the affairs of the League were so prosperous, and the kingdom left naked by sending so many of the Queen's best troops into the Netherlands. Paget and the English exiles demonstrated the fruitlessness of such an attempt, unless Elizabeth were first cut off, or the invaders secured of a powerful concurrence on their landing. If it could be hoped that either of these events would happen, effectual aid was promised; and in the mean time Ballard was sent back to renew his intrigues.

May 15.] He communicated his designs to Anthony Babington, a young gentleman in Derbyshire, of a large fortune and many amiable qualities, who having contracted, during his residence in France, a familiarity with the Archbishop of Glasgow, had been recommended by him to the Queen of Scots. He concurred with Paget in considering the death of Elizabeth as a necessary preliminary to any invasion. Ballard gave him hopes that an end would soon be put to her days, and imparted to him

Savage's vow, who was now in London waiting for an opportunity to strike the blow. But Babington thought the attempt of too much importance to rely on a single hand for the execution of it, and proposed that five resolute gentlemen should be joined with Savage in an enterprise, the success of which was the foundation of all their hopes. He offered to find out persons willing to undertake the service, whose honour, secrecy, and courage, they might safely trust. He accordingly opened the matter to Edward Windsor, Thomas Salisbury, Charles Tinley, Chidioc Tichbourne, Robert Gage, John Travers, Robert Barnwell, John Charnock, Henry Dun, John Jones, and Robert Polly; all of them, except Polly, whose bustling forward zeal introduced him into their society, gentlemen of good families, united together in the bonds of private friendship, strengthened by the more powerful tie of religious zeal. Many consultations were held; their plan of operations was at last settled; and their different parts assigned [June]. Babington himself was appointed to rescue the Queen of Scots; Salisbury, with some others, undertook to excite several counties to take arms; the murder of the Queen, the most dangerous and important service of all, fell to Tichbourne and Savage, with four associates. So totally had their bigoted prejudices extinguished the principles of honour, and the sentiments of humanity suitable to their rank, that, without scruple or compunction, they undertook an action which is viewed with horror, even when committed by the meanest and most profligate of mankind. This attempt, on the contrary, appeared to them no less honourable than it was desperate; and in order to perpetuate the memory of it, they had a picture drawn, containing the portraits of the six assassins, with that of Babington in the middle, and a motto intimating that they were jointly embarked in some hazardous design.

The conspirators, as appears by this wanton and imprudent instance of vanity, seem to have thought a discovery hardly possible, and neither distrusted the fidelity of their companions nor doubted the success of their undertaking. But while they believed that their machinations were carried on with the most profound and impenetrable secrecy, every step they took was fully known to Walsingham. Polly was one of his spies, and had entered into the conspiracy with no other design than to betray his associates. Gilbert Gifford too, having been sent over to England to quicken the motions of the conspirators, had been gained by Walsingham, and gave him sure intelligence of all their projects. That vigilant minister immediately imparted the discoveries which he had made to Elizabeth; and, without communicating the matter to any other of the counsellors, they agreed, in order to understand the plot more perfectly, to wait until it was ripened into some form, and brought near the point of execution.

At last, Elizabeth thought it dangerous and criminal to expose her own life, and to tempt Providence any further. Ballard, the prime mover in the whole conspiracy, was arrested [Aug. 4]. His associates, disconcerted and struck with astonishment, endeavoured to save themselves by flight. But within a few days, all of them, except Windsor, were seized in different places of the kingdom, and committed to the Tower. Though they had undertaken the part, they wanted the firm and determined spirit of assassins; and, influenced by fear or by hope, at once confessed all that they knew. The indignation of the people, and their impatience to revenge such an execrable combination against the life of their sovereign, hastened their trial, and all of them suffered the death of traitors³⁶.

Thus far Elizabeth's conduct may be pronounced

³⁶ Camd. 515. State Trials, vol. i. 110.

both prudent and laudable, nor can she be accused of violating any law of humanity, or of taking any precautions beyond what were necessary for her own safety. But a tragical scene followed, with regard to which posterity will pass a very different judgment.

The frantic zeal of a few rash young men accounts sufficiently for all the wild and wicked designs which they had formed. But this was not the light in which Elizabeth and her ministers chose to place the conspiracy. They wished to persuade the nation, that Babington and his associates should be considered merely as instruments employed by the Queen of Scots, the real though secret author of so many attempts against the life of Elizabeth, and the peace of her kingdoms. They produced letters, which they ascribed to her, in support of this charge. These, as they gave out, had come into their hands by the following singular and mysterious method of conveyance. Gifford, on his return into England, had been trusted by some of the exiles with letters to Mary; but, in order to make a trial of his fidelity and address, they were only blank papers made up in that form. These being safely delivered by him, he was afterwards employed without further scruple. Walsingham having found means to gain this man, he, by the permission of that minister, and the connivance of Paulet, bribed a tradesman in the neighbourhood of Chartley, whither Mary had been conveyed, who deposited the letters in a hole in the wall of the castle, covered with a loose stone. Thence they were taken by the Queen, and in the same manner her answers returned. All these were carried to Walsingham, opened by him, deciphered, sealed again so dexterously that the fraud could not be perceived, and then transmitted to the persons to whom they were directed. Two letters to Babington, with several to Mendoza, Paget, Englefield, and the English fugitives, were procured by this artifice. It

was given out, that in these letters Mary approved of the conspiracy, and even of the assassination; that she directed them to proceed with the utmost circumspection, and not to take arms until foreign auxiliaries were ready to join them; that she recommended the Earl of Arundel, his brothers, and the young Earl of Northumberland, as proper persons to conduct and to add reputation to their enterprise; that she advised them, if possible, to excite at the same time some commotion in Ireland; and, above all, besought them to concert with care the means of her own escape, suggesting to them several expedients for that purpose.

All these circumstances were opened at the trial of the conspirators; and while the nation was under the influence of those terrors which the association had raised, and the late danger had augmented, they were believed without hesitation or inquiry, and spread a general alarm. Mary's zeal for her religion was well known; and in that age, examples of the violent and sanguinary spirit which it inspired were numerous. All the cabals against the peace of the kingdom for many years had been carried on in her name; and it now appears evidently, said the English, that the safety of the one Queen is incompatible with that of the other. Why then, added they, should the tranquillity of England be sacrificed for the sake of a stranger? Why is a life so dear to the nation exposed to the repeated assaults of an exasperated rival? The case supposed in the association has now happened, the sacred person of our sovereign has been threatened, and why should not an injured people execute that just vengeance which they had vowed?

No sentiments could be more agreeable than these to Elizabeth and her ministers. They themselves had at first propagated them among the people, and they now served both as an apology and a motive for their proceeding to such extremities against the

Scottish Queen as they had long meditated. The more numerous the injuries were which Elizabeth had heaped on Mary, the more she feared and hated that unhappy Queen, and came at last to be persuaded that there could be no other security for her own life, but the death of her rival. Burleigh and Walsingham had promoted so zealously all Elizabeth's measures with regard to Scottish affairs, and had acted with so little reserve in opposition to Mary, that they had reason to dread the most violent effects of her resentment if ever she should mount the throne of England. From this additional consideration they endeavoured, with the utmost earnestness, to hinder an event so fatal to themselves, by confirming their mistress's fear and hatred of the Scottish Queen.

Meanwhile Mary was guarded with unusual vigilance, and great care was taken to keep her ignorant of the discovery of the conspiracy. Sir Thomas Georges was at last sent from court to acquaint her both of it, and of the imputation with which she was loaded as accessory to that crime, and he surprised her with the account just as she had got on horseback to ride out along with her keepers. She was struck with astonishment, and would have returned to her apartment, but she was not permitted; and, in her absence, her private closet was broke open, her cabinet and papers were seized, sealed, and sent up to court. Her principal domestics too were arrested, and committed to different keepers. Nau and Curle, her two secretaries, the one a native of France, the other of Scotland, were carried prisoners to London. All the money in her custody, amounting to little more than two thousand pounds, was secured³⁷. And after leading her about for some days, from one gentleman's house to another, she was conveyed to Fotheringay, a strong castle in Northamptonshire³⁸.

No further evidence could now be expected against

³⁷ See Appendix, No. XLVIII.

³⁸ Camd. 517.

Mary, and nothing remained but to decide what should be her fate. With regard to this, Elizabeth and those ministers in whom she chiefly confided seem to have taken their resolution; but there was still great variety of sentiments among her other counsellors. Some thought it sufficient to dismiss all Mary's attendants, and to keep her under such close restraint, as would cut off all possibility of corresponding with the enemies of the kingdom; and as her constitution, broken by long confinement, and her spirit, dejected with so many sorrows, could not long support such an additional load, the Queen and nation would soon be delivered from all their fears. But though it might be easy to secure Mary's own person, it was impossible to diminish the reverence which the Roman Catholics had for her name, or to extinguish the compassion with which they viewed her sufferings; while such sentiments continued, insurrections and invasions would never be wanting for her relief, and the only effect of any new rigour would be to render these attempts more frequent and more dangerous. For this reason the expedient was rejected.

A public and legal trial, though the most unexampled, was judged the most unexceptionable method of proceeding; and it had at the same time a semblance of justice, accompanied with an air of dignity. It was in vain to search the ancient records for any statute or precedent to justify such an uncommon step as the trial of a foreign Prince, who had not entered the kingdom in arms, but had fled thither for refuge. The proceedings against her were founded on the act of last parliament, and by applying it in this manner, the intention of those who had framed that severe statute became more apparent³⁹.

Elizabeth resolved that no circumstance of pomp or solemnity should be wanting, which could render

³⁹ Camd. 519. Johnst. Hist. 113.

this transaction such as became the dignity of the person to be tried. She appointed, by a commission under the great seal, forty persons, the most illustrious in the kingdom by their birth or offices, together with five of the judges, to hear and decide this great cause. Many difficulties were started by the lawyers about the name and title by which Mary should be arraigned; and while the essentials of justice were so grossly violated, the empty forms of it were the objects of their care. They at length agreed that she should be styled "Mary, daughter and heir of James V. late King of Scots, commonly called Queen of Scots, and Dowager of France⁴⁰."

After the many indignities which she had lately suffered, Mary could no longer doubt but that her destruction was determined. She expected every moment to end her days by poison, or by some of those secret means usually employed against captive Princes. Lest the malice of her enemies, at the same time that it deprived her of life, should endeavour likewise to blast her reputation, she wrote to the Duke of Guise, and vindicated herself, in the strongest terms, from the imputation of encouraging or of being accessory to the conspiracy for assassinating Elizabeth⁴¹. In the solitude of her prison, the strange resolution of bringing her to a public trial had not reached her ears, nor did the idea of any thing so unprecedented, and so repugnant to regal majesty, once enter into her thoughts.

On the 11th of October, the commissioners appointed by Elizabeth arrived at Fotheringay. Next morning they delivered a letter from their sovereign to Mary, in which, after the bitterest reproaches and accusations, she informed her, that regard for the happiness of the nation had at last rendered it necessary to make a public inquiry into her conduct, and therefore required her, as she had lived so long under

⁴⁰ Strype, iii. 362.

⁴¹ Jebb, ii. 283.

the protection of the laws of England, to submit now to the trial which they ordained to be taken of her crimes. Mary, though surprised at this message, was neither appalled at the danger, nor unmindful of her own dignity. She protested, in the most solemn manner, that she was innocent of the crime laid to her charge, and had never countenanced any attempt against the life of the Queen of England; but, at the same time, refused to acknowledge the jurisdiction of her commissioners. "I came into the kingdom," said she, "an independent sovereign, to implore the Queen's assistance, not to subject myself to her authority. Nor is my spirit so broken by its past misfortunes, or so intimidated by present dangers, as to stoop to any thing unbecoming the majesty of a crowned head, or that will disgrace the ancestors from whom I am descended, and the son to whom I shall leave my throne. If I must be tried, Princes alone can be my peers. The Queen of England's subjects, however noble their birth may be, are of a rank inferior to mine. Ever since my arrival in this kingdom I have been confined as a prisoner. Its laws never afforded me any protection. Let them not now be perverted in order to take away my life."

The commissioners employed arguments and entreaties to overcome Mary's resolution. They even threatened to proceed according to the forms of law, and to pass sentence against her on account of her contumacy in refusing to plead: she persisted, however, for two days, to decline their jurisdiction. An argument, used by Hatton, the vice-chamberlain, at last prevailed. He told her that, by avoiding a trial, she injured her own reputation, and deprived herself of the only opportunity of setting her innocence in a clear light; and that nothing would be more agreeable to them, or more acceptable to the Queen their mistress, than to be convinced, by un-

doubted evidence, that she had been unjustly loaded with foul aspersions.

No wonder pretexts so plausible should impose on the unwary Queen, or that she, unassisted at that time by any friend or counsellor, should not be able to detect and elude all the artifices of Elizabeth's ablest ministers. In a situation equally melancholy, and under circumstances nearly similar, her grandson Charles I. refused with the utmost firmness, to acknowledge the usurped jurisdiction of the high court of justice; and posterity has approved his conduct, as suitable to the dignity of a King. If Mary was less constant in her resolution, it must be imputed solely to her anxious desire of vindicating her own honour.

At her appearance before the judges [Oct. 14], who were seated in the great hall of the castle, where they received her with much ceremony, she took care to protest, that by condescending to hear and to give an answer to the accusations which should be brought against her, she neither acknowledged the jurisdiction of the court, nor admitted the validity and justice of those acts by which they pretended to try her.

The chancellor, by a counter protestation, endeavoured to vindicate the authority of the court.

Then Elizabeth's attorney and solicitor opened the charge against her, with all the circumstances of the late conspiracy. Copies of Mary's letters to Mendoza, Babington, Englefield, and Paget, were produced. Babington's confession, those of Ballard, Savage, and the other conspirators, together with the declarations of Nau and Curle, her secretaries, were read, and the whole ranged in the most specious order which the art of the lawyers could devise, and heightened by every colour their eloquence could add.

Mary listened to their harangues attentively, and

without emotion. But at the mention of the Earl of Arundel's name, who was then confined in the Tower, she broke out into this tender and generous exclamation ; " Alas, how much has the noble house of Howard suffered for my sake !"

When the Queen's counsel had finished, Mary stood up, and with great magnanimity, and equal presence of mind, began her defence. She bewailed the unhappiness of her own situation, that after a captivity of nineteen years, during which she had suffered treatment no less cruel than unmerited, she was at last loaded with an accusation, which tended not only to rob her of her right of succession, and to deprive her of life itself, but to transmit her name with infamy to future ages : that, without regarding the sacred rights of sovereignty, she was now subjected to laws framed against private persons : though an anointed Queen, commanded to appear before the tribunal of subjects ; and, like a common criminal, her honour exposed to the petulant tongues of lawyers, capable of wresting her words, and of misrepresenting her actions : that even in this dishonourable situation, she was denied the privileges usually granted to criminals, and obliged to undertake her own defence, without the presence of any friend with whom to advise, without the aid of counsel, and without the use of her own papers.

She then proceeded to the particular articles in the accusation. She absolutely denied any correspondence with Babington or Ballard : copies only of her pretended letters to them were produced ; though nothing less than her hand-writing or subscription was sufficient to convict her of such an odious crime : no proof could be brought that their letters were delivered into her hands, or that any answer was returned by her direction ; the confessions of wretches condemned and executed for such a detestable action were of little weight ; fear or hope

might extort from them many things inconsistent with truth, nor ought the honour of a Queen to be stained by such vile testimony. The declaration of her secretaries was not more conclusive: promises and threats might easily overcome the resolution of two strangers; in order to screen themselves, they might throw the blame on her: but they could discover nothing to her prejudice without violating, in the first place, the oath of fidelity which they had sworn to her; and their perjury in one instance rendered them unworthy of credit in another: the letters to the Spanish ambassador were either nothing more than copies, or contained only what was perfectly innocent: "I have often," continued she, "made such efforts for the recovery of my liberty as are natural to a human creature. Convinced, by the sad experience of so many years, that it was in vain to expect it from the justice or generosity of the Queen of England, I have frequently solicited foreign Princes, and called upon all my friends to employ their whole interest for my relief. I have likewise endeavoured to procure for the English Catholics some mitigation of the rigour with which they are now treated; and if I could hope, by my death, to deliver them from oppression, am willing to die for their sake. I wish, however, to imitate the example of Esther, not of Judith, and would rather make intercession for my people than shed the blood of the meanest creature in order to save them. I have often checked the intemperate zeal of my adherents, when either the severity of their own persecutions, or indignation at the unheard-of injuries which I have endured, were apt to precipitate them into violent counsels. I have even warned the Queen of dangers to which these harsh proceedings exposed herself. And worn out, as I now am, with cares and sufferings, the prospect of a crown is not so inviting that I should ruin my soul in order

to obtain it. I am no stranger to the feelings of humanity, nor unacquainted with the duties of religion, and abhor the detestable crime of assassination, as equally repugnant to both. And, if ever I have given consent by my words, or even by my thoughts, to any attempt against the life of the Queen of England, far from declining the judgment of men, I shall not even pray for the mercy of God⁴²."

Two different days did Mary appear before the judges, and in every part of her behaviour maintained the magnanimity of a Queen, tempered with the gentleness and modesty of a woman.

The commissioners, by Elizabeth's express command, adjourned, without pronouncing any sentence, to the Star-chamber in Westminster [Oct. 25]. When assembled in that place, Nau and Curle were brought into court, and confirmed their former declaration upon oath; and after reviewing all their proceedings, the commissioners unanimously declared Mary "to be accessory to Babington's conspiracy, and to have imagined divers matters tending to the hurt, death, and destruction of Elizabeth, contrary to the express words of the statute made for the security of the Queen's life⁴³."

It is no easy matter to determine whether the injustice in appointing this trial, or the irregularity in conducting it, were greatest and most flagrant. By what right did Elizabeth claim authority over an independent Queen? Was Mary bound to comply with the laws of a foreign kingdom? How could the subjects of another Prince become her judges? or, if such an insult on royalty were allowed, ought not the common forms of justice to have been observed? If the testimony of Babington and his associates was so explicit, why did not Elizabeth spare them for a few weeks, and, by confronting them with Mary, overwhelm her with the full conviction of her crimes?

⁴² Camd. 520, &c.

⁴³ Ibid. 525.

Nau and Curle were both alive, wherefore did not they appear at Fotheringay? and for what reason were they produced in the Star-chamber, where Mary was not present to hear what they deposed? Was this suspicious evidence enough to condemn a Queen? Ought the meanest criminal to have been found guilty upon such feeble and inconclusive proofs?

It was not, however, on the evidence produced at her trial, that the sentence against Mary was founded. That served as a pretence to justify, but was not the cause of the violent steps taken by Elizabeth and her ministers towards her destruction; and was employed to give some appearance of justice to what was the offspring of jealousy and fear. The nation, blinded with resentment against Mary, and solicitous to secure the life of its own sovereign from every danger, observed no irregularities in the proceedings, and attended to no defects in the proof, but grasped at the suspicions and probabilities, as if they had been irrefragable demonstrations.

The parliament met a few days after sentence was pronounced against Mary. In that illustrious assembly more temper and discernment than are to be found among the people might have been expected. Both lords and commons, however, were equally under the dominion of popular prejudices and passions, and the same excess of zeal, or of fear, which prevailed in the nation, is apparent in all their proceedings. They entered with impatience upon an inquiry into the conspiracy, and the danger which threatened the Queen's life as well as the peace of the kingdom. All the papers which had been produced at Fotheringay were laid before them; and, after many violent invectives against the Queen of Scots, both houses unanimously ratified the proceedings of the commissioners by whom she had been tried, and declared the sentence against her to be just and well founded. Not satisfied with this,

they presented a joint address to the Queen, beseeching her, as she regarded her own safety, the preservation of the Protestant religion, the welfare and wishes of her people, to publish the sentence; and without further delay to inflict on a rival, no less irreclaimable than dangerous, the punishment which she had merited by so many crimes. This request, dictated by fears unworthy of that great assembly, was enforced by reasons still more unworthy. They were drawn not from justice, but from conveniency. The most rigorous confinement, it was pretended, could not curb Mary's intriguing spirit; her address was found, by long experience, to be an overmatch for the vigilance and jealousy of all her keepers; the severest penal laws could not restrain her adherents, who, while they believed her person to be sacred, would despise any danger to which themselves alone were exposed; several foreign Princes were ready to second their attempts, and waited only a proper opportunity for invading the kingdom, and asserting the Scottish Queen's title to the crown. Her life, they contended, was, for these reasons, incompatible with Elizabeth's safety; and if she were spared out of a false clemency, the Queen's person, the religion and liberties of the kingdom, could not be one moment secure. Necessity required that she should be sacrificed in order to preserve these; and to prove this sacrifice to be no less just than necessary, several examples in history were produced, and many texts of Scripture quoted; but both the one and the other were misapplied, and distorted from their true meaning.

Nothing, however, could be more acceptable to Elizabeth than an address in this strain. It extricated her out of a situation extremely embarrassing; and, without depriving her of the power of sparing, it enabled her to punish her rival with less appearance of blame. If she chose the former, the whole

honour would redound to her own clemency. If she determined on the latter, whatever was rigorous might now seem to be extorted by the solicitations of her people rather than to flow from her own inclination. Her answer, however, was in a style which she often used, ambiguous and evasive, under the appearance of openness and candour; full of such professions of regard for her people as served to heighten their loyalty; of such complaints of Mary's ingratitude as were calculated to excite their indignation; and of such insinuation that her own life was in danger as could not fail to keep alive their fears. In the end, she besought them to save her the infamy and the pain of delivering up a Queen, her nearest kinswoman, to punishment; and to consider whether it might not still be possible to provide for the public security, without forcing her to imbrue her hands in royal blood.

The true meaning of this reply was easily understood. The lords and commons renewed their former request with additional importunity, which was far from being either unexpected or offensive. Elizabeth did not return any answer more explicit; and, having obtained such a public sanction of her proceedings, there was no longer any reason for protracting this scene of dissimulation; there was even some danger that her feigned difficulties might at last be treated as real ones; she therefore prorogued the parliament, and reserved in her own hands the sole disposal of her rival's fate⁴⁴.

All the Princes in Europe observed the proceedings against Mary with astonishment and horror; and even Henry III., notwithstanding his known aversion to the house of Guise, was obliged to interpose on her behalf, and to appear in defence of the common rights of royalty. Aubespine, his resident ambassador, and Bellievre, who was sent with an

⁴⁴ Camd. 526. D'Ewes, 375.

extraordinary commission to the same purpose, interceded for Mary with great appearance of warmth. They employed all the arguments which the cause naturally suggested; they pleaded from justice, from generosity, and humanity: they intermingled reproaches and threats; but to all these Elizabeth continued deaf and inexorable: and having received some intimation of Henry's real unconcern about the fate of the Scottish Queen, and knowing his antipathy to all the race of Guise, she trusted that these loud remonstrances would be followed by no violent resentment⁴⁵.

She paid no greater regard to the solicitations of the Scottish King, which, as they were urged with greater sincerity, merited more attention. Though her commissioners had been extremely careful to sooth James, by publishing a declaration that their sentence against Mary did, in no degree, derogate from his honour, or invalidate any title which he formerly possessed; he beheld the indignities to which his mother had been exposed with filial concern, and with the sentiments which became a King. The pride of the Scottish nation was roused by the insult offered to the blood of their monarchs, and called upon him to employ the most vigorous efforts, in order to prevent or to revenge the Queen's death.

At first, he could hardly believe that Elizabeth would venture upon an action so unprecedented, which tended so visibly to render the persons of Princes less sacred in the eyes of the people, and which degraded the regal dignity, of which, at other times, she was so remarkably jealous. But as soon as the extraordinary steps which she took discovered her intention, he dispatched Sir William Keith to London; who, together with Douglas, his ambassador in ordinary, remonstrated, in the strongest terms, against the injury done to an independent Queen,

⁴⁵ Camd. 531.

in subjecting her to be tried like a private person, and by laws to which she owed no obedience; and besought Elizabeth not to add to this injury by suffering a sentence unjust in itself, as well as dishonourable to the King of Scots, to be put into execution⁴⁶.

Elizabeth returning no answer to these remonstrances of his ambassador, James wrote to her with his own hand, complaining in the bitterest terms of her conduct, not without threats that both his duty and his honour would oblige him to renounce her friendship, and to act as became a son when called to revenge his mother's wrongs⁴⁷. At the same time he assembled the nobles, who promised to stand by him in so good a cause. He appointed ambassadors to France, Spain, and Denmark, in order to implore the aid of these courts; and took other steps towards executing his threats with vigour. The high strain of his letter enraged Elizabeth to such a degree that she was ready to dismiss his ambassadors without any reply. But his preparations alarmed and embarrassed her ministers, and at their entreaty she returned a soft and evasive answer, promising to listen to any overture from the King, that tended to his mother's safety; and to suspend the execution of the sentence until the arrival of new ambassadors from Scotland⁴⁸.

Meanwhile she commanded the sentence against Mary to be published [Dec. 6], and forgot not to inform the people that this was extorted from her by the repeated entreaty of both houses of parliament. At the same time she dispatched Lord Buckhurst and Beale to acquaint Mary with the sentence, and how importunately the nation demanded the execution of it; and though she had not hitherto yielded to these solicitations, she advised her to pre-

⁴⁶ See Append. No. XLIX. Mardin. 573, &c. Birch, Mem. i. 52.

⁴⁷ Birch. Mem. i. 52.

⁴⁸ Spotsw. 551. Cald. iv. 5.

pare for an event which might become necessary for securing the Protestant religion, as well as quieting the minds of the people. Mary received the message not only without symptoms of fear, but with expressions of triumph. "No wonder," said she, "the English should now thirst for the blood of a foreign Prince; they have often offered violence to their own monarchs. But after so many sufferings, death comes to me as a welcome deliverer. I am proud to think that my life is deemed of importance to the Catholic religion, and as a martyr for it I am now willing to die⁴⁹."

After the publication of the sentence, Mary was stripped of every remaining mark of royalty. The canopy of state in her apartment was pulled down; Paulet entered her chamber, and approached her person without any ceremony; and even appeared covered in her presence [Dec. 19]. Shocked with these indignities, and offended at this gross familiarity, to which she had never been accustomed, Mary once more complained to Elizabeth; and at the same time, as her last request, entreated that she would permit her servants to carry her dead body into France, to be laid among her ancestors in hallowed ground; that some of her domestics might be present at her death, to bear witness of her innocence, and firm adherence to the Catholic faith; that all her servants might be suffered to leave the kingdom, and to enjoy those small legacies which she should bestow on them, as testimonies of her affection; and that, in the meantime, her almoner, or some other Catholic priest, might be allowed to attend her, and to assist her in preparing for an eternal world. She besought her, in the name of Jesus, by the soul and memory of Henry VII., their common progenitor, by their near consanguinity, and the royal dignity with which they were both invested, to gratify her in

⁴⁹ Camd. 528. Jebb, 291.

these particulars, and to indulge her so far as to signify her compliance by a letter under her own hand. Whether Mary's letter was ever delivered to Elizabeth is uncertain. No answer was returned, and no regard paid to her requests. She was offered a Protestant bishop or dean to attend her. Them she rejected, and, without any clergyman to direct her devotions, she prepared, in great tranquillity, for the approach of death, which she now believed to be at no great distance⁵⁰.

1587.] James, without losing a moment, sent new ambassadors to London [Jan. 1]. These were the Master of Gray, and Sir Robert Melvil. In order to remove Elizabeth's fears, they offered that their master would become bound that no conspiracy should be undertaken against her person, or the peace of the kingdom, with Mary's consent; and, for the faithful performance of this, would deliver some of the most considerable of the Scottish nobles as hostages. If this were not thought sufficient, they proposed that Mary should resign all her rights and pretensions to her son, from whom nothing injurious to the Protestant religion, or inconsistent with Elizabeth's safety, could be feared. The former proposal Elizabeth rejected as insecure; the latter, as dangerous. The ambassadors were then instructed to talk in a higher tone; and Melvil executed the commission with fidelity and with zeal. But Gray, with his usual perfidy, deceived his master, who trusted him with a negotiation of so much importance, and betrayed the Queen whom he was employed to save. He encouraged and urged Elizabeth to execute the sentence against her rival. He often repeated the old proverbial sentence, "The dead cannot bite." And whatever should happen, he undertook to pacify the King's rage, or at least to prevent any violent effects of his resentment⁵¹.

⁵⁰ Camd. 528. Jebb, ii. 295.

⁵¹ Spotsw. 352. Murdin, 568. See App. No. L.

Elizabeth, meanwhile, discovered all the symptoms of the most violent agitation and disquietude of mind. She shunned society, she was often found in a melancholy and musing posture, and repeating with much emphasis these sentences, which she borrowed from some of the devices then in vogue; *Aut fer aut feri; ne feriare, feri.* Much, no doubt, of this apparent uneasiness must be imputed to dissimulation; it was impossible, however, that a Princess, naturally so cautious as Elizabeth, should venture on an action, which might expose her memory to infamy, and her life and kingdom to danger, without reflecting deeply, and hesitating long. The people waited her determination in suspense and anxiety; and, lest their fear or their zeal should subside, rumours of danger were artfully invented and propagated with the utmost industry. Aubespine, the French ambassador, was accused of having suborned an assassin to murder the Queen. The Spanish fleet was said by some to be already arrived at Milford-haven. Others affirmed that the Duke of Guise had landed with a strong army in Sussex. Now it was reported that the northern counties were up in arms; next day, that the Scots had entered England with all their forces; and a conspiracy, it was whispered, was on foot for seizing the Queen and burning the city. The panic grew every day more violent; and the people, astonished and enraged, called for the execution of the sentence against Mary, as the only thing which could restore tranquillity to the kingdom⁵².

While these sentiments prevailed among her subjects, Elizabeth thought she might safely venture to strike the blow which she had so long meditated. She commanded Davison, one of the secretaries of state, to bring to her the fatal warrant [Feb. 1]; and her behaviour on that occasion plainly showed, that

⁵² Camd. 533, 534.

it is not to humanity that we must ascribe her forbearance hitherto. At the very moment she was signing the writ which gave up a woman, a Queen, and her own nearest relation, into the hands of the executioner, she was capable of jesting. "Go," says she to Davison, "and tell Walsingham what I have now done, though I am afraid he will die for grief when he hears it." Her chief anxiety was how to secure the advantages which would arise from Mary's death, without appearing to have given her consent to a deed so odious. She often hinted to Paulet and Drury, as well as to some other courtiers, that now was the time to discover the sincerity of their concern for her safety, and that she expected their zeal would extricate her out of her present perplexity. But they were wise enough to seem not to understand her meaning. Even after the warrant was signed, she commanded a letter to be written to Paulet in less ambiguous terms, complaining of his remissness in sparing so long the life of her capital enemy, and begging him to remember at last what was incumbent on him as an affectionate subject, as well as what he was bound to do by the oath of association, and to deliver his sovereign from continual fear and danger, by shortening the days of his prisoner. Paulet, though rigorous and harsh, and often brutal in the discharge of what he thought his duty, as Mary's keeper, was nevertheless a man of honour and integrity. He rejected the proposal with disdain; and lamenting that he should ever have been deemed capable of acting the part of an assassin, he declared that the Queen might dispose of his life at her pleasure, but that he would never stain his own honour, nor leave an everlasting mark of infamy on his posterity, by lending his hand to perpetrate so foul a crime. On the receipt of this answer, Elizabeth became extremely peevish; and calling him a *dainty* and *precise fellow*, who would

promise much but perform nothing, she proposed to employ one Wingfield, who had both courage and inclination to strike the blow⁵³. But Davison remonstrating against this, as a deed dishonourable in itself, and of dangerous example, she again declared her intention that the sentence pronounced by the commissioners should be executed according to law; and as she had already signed the warrant, she begged that no further application might be made to her on that head. By this, the privy counsellors thought themselves sufficiently authorized to proceed; and prompted, as they pretended, by zeal for the Queen's safety, or instigated, as is more probable, by the apprehension of the danger to which they would themselves be exposed, if the life of the Queen of Scots were spared, they assembled in the council-chamber; and by a letter under all their hands, empowered the Earls of Shrewsbury and Kent, together with the high sheriff of the county, to see the sentence put in execution⁵⁴.

On Tuesday the 7th of February, the two Earls arrived at Fotheringay, and demanded access to the Queen, read in her presence the warrant for execution, and required her to prepare to die next morning. Mary heard them to the end without emotion, and crossing herself in the name of the Father, and of the Son, and of the Holy Ghost, "That soul," said she, "is not worthy the joys of Heaven, which repines because the body must endure the stroke of the executioner; and though I did not expect that the Queen of England would set the first example of violating the sacred person of a sovereign Prince, I willingly submit to that which Providence has decreed to be my lot;" and laying her hand on a Bible, which happened to be near her, she solemnly protested that she was innocent of that conspiracy

⁵³ Biog. Britan. article *Davison*.

⁵⁴ Camd. 534. Strype, iii. 361. 361.

which Babington had carried on against Elizabeth's life⁵⁵. She then mentioned the requests contained in her letter to Elizabeth, but obtained no satisfactory answer. She entreated with particular earnestness, that now in her last moments her almoner might be suffered to attend her, and that she might enjoy the consolation of those pious institutions prescribed by her religion. Even this favour, which is usually granted to the vilest criminal, was absolutely denied.

Her attendants, during this conversation, were bathed in tears, and, though overawed by the presence of the two Earls, with difficulty suppressed their anguish; but no sooner did Kent and Shrewsbury withdraw, than they ran to their mistress, and burst out into the most passionate expressions of tenderness and sorrow. Mary, however, not only retained perfect composure of mind herself, but endeavoured to moderate their excessive grief; and falling on her knees with all her domestics round her, she thanked Heaven that her sufferings were now so near an end, and prayed that she might be enabled to endure what still remained with decency and with fortitude. The greater part of the evening she employed in settling her worldly affairs. She wrote her testament with her own hand. Her money, her jewels, and her clothes, she distributed among her servants, according to their rank or merit. She wrote a short letter to the King of France, and another to the Duke of Guise, full of tender but magnanimous sentiments, and recommended her soul to their prayers, and her afflicted servants to their protection. At supper she ate temperately, as usual, and conversed not only with ease, but with cheerfulness; she drank to every one of her servants, and asked their forgiveness, if ever she had failed in any part of her duty towards them. At her wonted time she went to bed, and slept calmly a few hours. Early

⁵⁵ Jebb, ii. 301.

in the morning she retired into her closet, and employed a considerable time in devotion. At eight o'clock the high sheriff and his officers entered her chamber, and found her still kneeling at the altar. She immediately started up, and with a majestic mien, and a countenance undismayed, and even cheerful, advanced towards the place of execution, leaning on two of Paulet's attendants. She was dressed in a mourning habit, but with an elegance and splendour which she had long laid aside except on a few festival days. An *Agnus Dei* hung by a pomander chain at her neck; her beads at her girdle; and in her hand she carried a crucifix of ivory. At the bottom of the stairs, the two Earls, attended by several gentlemen from the neighbouring counties, received her; and there Sir Andrew Melvil, the master of her household, who had been secluded for some weeks from her presence, was permitted to take his last farewell. At the sight of a mistress whom he tenderly loved, in such a situation, he melted into tears; and as he was bewailing her condition, and complaining of his own hard fate, in being appointed to carry the account of such a mournful event into Scotland, Mary replied, "Weep not, good Melvil, there is at present great cause for rejoicing. Thou shalt this day see Mary Stuart delivered from all her cares, and such an end put to her tedious sufferings as she has long expected. Bear witness that I die constant in my religion; firm in my fidelity towards Scotland; and unchanged in my affection to France. Commend me to my son. Tell him I have done nothing injurious to his kingdom, to his honour, or to his rights; and God forgive all those who have thirsted, without cause, for my blood!"

With much difficulty, and after many entreaties, she prevailed on the two Earls to allow Melvil, together with three of her men servants and two of her

maids, to attend her to the scaffold. It was erected in the same hall where she had been tried, raised a little above the floor, and covered, as well as a chair, the cushion, and block, with black cloth. Mary mounted the steps with alacrity, beheld all this apparatus of death with an unaltered countenance, and signing herself with the cross, she sat down in the chair. Beale read the warrant for execution with a loud voice, to which she listened with a careless air, and like one occupied in other thoughts. Then the Dean of Peterborough began a devout discourse, suitable to her present condition, and offered up prayers to Heaven in her behalf; but she declared that she could not in conscience hearken to the one, nor join with the other; and kneeling down, repeated a Latin prayer. When the dean had finished his devotions, she, with an audible voice, and in the English tongue, recommended unto God the afflicted state of the church, and prayed for prosperity to her son, and for a long life and peaceable reign to Elizabeth. She declared that she hoped for mercy only through the death of Christ, at the foot of whose image she now willingly shed her blood; and lifting up and kissing the crucifix, she thus addressed it: "As thy arms, O Jesus, were extended on the cross; so with the outstretched arms of thy mercy receive me, and forgive my sins."

She then prepared for the block, by taking off her veil and upper garments; and one of the executioners rudely endeavouring to assist, she gently checked him, and said with a smile, that she had not been accustomed to undress before so many spectators, nor to be served by such valets. With calm but undaunted fortitude she laid her neck on the block; and while one executioner held her hands, the other, at the second stroke, cut off her head, which falling out of its attire, discovered her hair already grown quite gray with cares and sorrows. The executioner

held it up still streaming with blood, and the Dean crying out, "So perish all Queen Elizabeth's enemies!" the Earl of Kent alone answered Amen. The rest of the spectators continued silent, and drowned in tears; being incapable, at that moment, of any other sentiments but those of pity or admiration⁵⁶.

Such was the tragical death of Mary, Queen of Scots, after a life of forty-four years and two months, almost nineteen years of which she passed in captivity. The political parties which were formed in the kingdom during her reign have subsisted under various denominations ever since that time. The rancour with which they were at first animated hath descended to succeeding ages, and their prejudices, as well as their rage, have been perpetuated, and even augmented. Among historians, who were under the dominion of all these passions, and who have either ascribed to her every virtuous and amiable quality, or have imputed to her all the vices of which the human heart is susceptible, we search in vain for Mary's real character. She neither merited the exaggerated praises of the one, nor the undistinguished censure of the other.

To all the charms of beauty, and the utmost elegance of external form, she added those accomplishments which render their impression irresistible. Polite, affable, insinuating, sprightly, and capable of speaking and of writing with equal ease and dignity. Sudden, however, and violent in all her attachments; because her heart was warm and unsuspicious. Impatient of contradiction; because she had been accustomed from her infancy to be treated as a Queen. No stranger, on some occasions, to dissimulation; which, in that perfidious court where she received her education, was reckoned among the necessary arts of government. Not insensible of flattery, or

⁵⁶ Camd. 534. Spotsw. 355. Jebb, ii. 300. Strype, iii. 383. See Appendix, No. LI.

unconscious of that pleasure with which almost every woman beholds the influence of her own beauty. Formed with the qualities which we love, not with the talents that we admire, she was an agreeable woman rather than an illustrious Queen. The vivacity of her spirit, not sufficiently tempered with sound judgment, and the warmth of her heart, which was not at all times under the restraint of discretion, betrayed her both into errors and into crimes. To say that she was always unfortunate will not account for that long and almost uninterrupted succession of calamities which befell her; we must likewise add, that she was often imprudent. Her passion for Darnly was rash, youthful, and excessive; and though the sudden transition to the opposite extreme was the natural effect of her ill requited love, and of his ingratitude, insolence, and brutality; yet neither these, nor Bothwell's artful address and important services, can justify her attachment to that nobleman. Even the manners of the age, licentious as they were, are no apology for this unhappy passion; nor can they induce us to look on that tragical and infamous scene which followed upon it, with less abhorrence. Humanity will draw a veil over this part of her character which it cannot approve, and may, perhaps, prompt some to impute some of her actions to her situation, more than to her dispositions; and to lament the unhappiness of the former, rather than excuse the perverseness of the latter. Mary's sufferings exceed, both in degree and in duration, those tragical distresses which fancy has feigned to excite sorrow and commiseration; and while we survey them, we are apt altogether to forget her frailties, we think of her faults with less indignation, and approve of our tears, as if they were shed for a person who had attained much nearer to pure virtue.

With regard to the Queen's person, a circumstance not to be omitted in writing the history of female

reign, all contemporary authors agree in ascribing to Mary the utmost beauty of countenance, and elegance of shape, of which the human form is capable. Her hair was black, though, according to the fashion of that age, she frequently wore borrowed locks, and of different colours. Her eyes were a dark gray; her complexion was exquisitely fine; and her hands and arms remarkably delicate, both as to shape and colour. Her stature was of a height that rose to the majestic. She danced, she walked, and rode with equal grace. Her taste for music was just, and she both sung and played upon the lute with uncommon skill. Towards the end of her life, long confinement, and the coldness of the houses in which she had been imprisoned, brought on a rheumatism, which often deprived her of the use of her limbs. No man, says Brantome, ever beheld her person without admiration and love, or will read her history without sorrow.

None of her women were suffered to come near her dead body, which was carried into a room adjoining to the place of execution, where it lay for some days, covered with a coarse cloth torn from a billiard table. The block, the scaffold, the aprons of the executioners, and every thing stained with her blood, were reduced to ashes. Not long after, Elizabeth appointed her body to be buried in the cathedral of Peterborough with royal magnificence. But this vulgar artifice was employed in vain; the pageantry of a pompous funeral did not efface the memory of those injuries which laid Mary in her grave. James, soon after his accession to the English throne, ordered her body to be removed to Westminster Abbey, and to be deposited among the monarchs of England.

Elizabeth affected to receive the accounts of Mary's death with the most violent emotions of surprise and concern. Sighs, tears, lamentations, and mourning,

were all employed to display the reality and greatness of her sorrow. Evident marks of dissimulation and artifice may be traced through every period of Elizabeth's proceedings against the life of the Scottish Queen. The commission for bringing Mary to a public trial was seemingly extorted from her by the entreaties of her privy counsellors. She delayed publishing the sentence against her till she was twice solicited by both houses of parliament. Nor did she sign the warrant for execution without the utmost apparent reluctance. One scene more of the boldest and most solemn deceit remained to be exhibited. She undertook to make the world believe that Mary had been put to death without her knowledge, and against her will. Davison, who neither suspected her intention nor his own danger, was her instrument in carrying on this artifice, and fell a victim to it.

It was his duty, as secretary of state, to lay before her the warrant for execution, in order to be signed; and by her command he carried it to the great seal. She pretended, however, that she had charged him not to communicate what she had done to any person, nor to suffer the warrant to go out of his hands, without her express permission; that, in contempt of this order, he had not only revealed the matter to several of her ministers, but had, in concert with them, assembled her privy counsellors, by whom, without her consent or knowledge, the warrant was issued, and the Earls of Shrewsbury and Kent empowered to put it in execution. Though Davison denied all this, and with circumstances which bear the strongest marks of truth and credibility; though it can scarcely be conceived that her privy council, composed of the persons in whom she most confided, of her ministers and favourites, would assemble within the walls of her palace, and venture to transact a matter of so much importance without her privacy, and contrary to her inclination; yet so far did she

carry her dissimulation that, with all the signs of displeasure and of rage, she banished most of her counsellors out of her presence; and treated Burleigh, in particular, so harshly, and with such marks of disgust, that he gave himself up for lost, and in the deepest affliction wrote to the Queen, begging leave to resign all his places, that he might retire to his own estate. Davison she instantly deprived of his office, and committed him a close prisoner to the Tower [March]. He was soon after brought to a solemn trial in the Star Chamber, condemned to pay a fine of ten thousand pounds, and to be imprisoned during the Queen's pleasure. He languished several years in confinement, and never recovered any degree of favour or of power. As her jealousy and fear had bereaved the Queen of Scots of life, in order to palliate this part of her conduct, Elizabeth made no scruple of sacrificing the reputation and happiness of one of the most virtuous and able men in her kingdom⁵⁷.

This solemn farce, for it deserves no better name, furnished Elizabeth, however, with an apology to the King of Scots. As the prospect of his mother's danger had excited the King's filial care and concern, the account of her death filled him with grief and resentment. His subjects felt the dishonour done to him and to the nation. In order to sooth both, Elizabeth instantly dispatched Robert Cary, one of Lord Hunsdon's sons, with a letter expressing her extreme affliction on account of that miserable accident, which, as she pretended, had happened far contrary to her appointment or intention. James would not permit her messenger to enter Scotland, and with some difficulty received a memorial which he sent from Berwick. It contained the tale concerning Davison, dressed up with all the circum-

⁵⁷ Camden, 536. Strype, iii. 370. See Appendix, No. LII. Cabala, 229, &c.

stances which tended to exculpate Elizabeth, and to throw the whole blame on his rashness or treachery. Such a defence gave little satisfaction, and was considered as mockery added to insult; and many of the nobles, as well as the King, breathed nothing but revenge. Elizabeth was extremely solicitous to pacify them, and she wanted neither able instruments nor plausible reasons, in order to accomplish this. Leicester wrote to the King, and Walsingham to Secretary Maitland. They represented the certain destruction to which James would expose himself, if, with the forces of Scotland alone, he should venture to attack a kingdom so far superior in power; that the history of past ages, as well as his mother's sad experience, might convince him, that nothing could be more dangerous or deceitful than dependance on foreign aid; that the King of France would never wish to see the British kingdoms united under one monarch, nor contribute to invest a Prince so nearly allied to the house of Guise with such formidable power; that Philip might be a more active ally, but would certainly prove a more dangerous one; and under pretence of assisting him would assert his own right to the English crown, which he already began openly to claim; that the same statute, on which the sentence of death against his mother had been founded, would justify the excluding him from the succession to the crown; that the English, naturally averse from the dominion of strangers, would not fail, if exasperated by his hostilities, to apply it in that manner; that Elizabeth was disposed to repair the wrongs which the mother had suffered, by her tenderness and affection towards the son; and that, by engaging in a fruitless war, he would deprive himself of a noble inheritance, which, by cultivating her friendship, he must infallibly obtain. These representations, added to the consciousness of his own weakness, to the smallness of his revenues,

to the mutinous spirit of some of the nobles, to the dubious fidelity of others, and to the influence of that faction which was entirely at Elizabeth's devotion, convinced James that a war with England, however just, would in the present juncture be altogether impolitical. All these considerations induced him to stifle his resentment; to appear satisfied with the punishment inflicted on Davison; and to preserve all the semblances of friendship with the English court⁵⁸. In this manner did the cloud which threatened such a storm pass away. Mary's death, like that of a common criminal, remained unavenged by any Prince; and, whatever infamy Elizabeth might incur, she was exposed to no new danger on that account.

Mary's death, however, proved fatal to the Master of Gray, and lost him the King's favour, which he had for some time possessed. He was become as odious to the nation as favourites who acquire power without merit, and exercise it without discretion, usually are. The treacherous part which he had acted during his late embassy was no secret, and filled James, who at length came to the knowledge of it, with astonishment. The courtiers observed the symptoms of disgust arising in the King's mind, his enemies seized the opportunity, and Sir William Stewart, in revenge of the perfidy with which Gray had betrayed his brother Captain James [May 10], publicly accused him before a convention of nobles, not only of having contributed, by his advice and suggestions, to take away the life of the Queen, but of holding correspondence with Popish Princes, in order to subvert the religion established in the kingdom. Gray, unsupported by the King, deserted by all, and conscious of his own guilt, made a feeble defence. He was condemned to perpetual banishment, a punishment very unequal to his crimes.

⁵⁸ Spotsw. 362. Cald. iv. 13, 14. Strype, 377.

But the King was unwilling to abandon one whom he had once favoured so highly to the rigour of justice; and Lord Hamilton, his near relation, and the other nobles who had lately returned from exile, in gratitude for the zeal with which he had served them, interceded warmly in his behalf.

Having thus accomplished the destruction of one of his enemies, Captain James Stewart thought the juncture favourable for prosecuting his revenge on them all. He singled out Secretary Maitland, the most eminent both for abilities and enmity to him; and offered to prove that he was no less accessory than Gray to the Queen's death, and had even formed a design of delivering up the King himself into the hands of the English. But time and absence had, in a great measure, extinguished the King's affection for a minion who so little deserved it. All the courtiers combined against him as a common enemy; and, instead of gaining his point, he had the mortification to see the office of Chancellor conferred upon Maitland, who, together with that dignity, enjoyed all the power and influence of a prime minister.

In the assembly of the church, which met this year, the same hatred to the order of Bishops, and the same jealousy and fear of their encroachments, appeared. But as the King was now of full age, and a parliament was summoned on that occasion, the clergy remained satisfied with appointing some of their number to represent their grievances to that court, from which great things were expected.

Previous to this meeting of parliament, James attempted a work worthy of a King. The deadly feuds which subsisted between many of the great families, and which were transmitted from one generation to another, weakened the strength of the kingdom; contributed, more than any other circumstance, to preserve a fierce and barbarous spirit

among the nobles; and proved the occasion of many disasters to themselves and to their country. After many preparatory negotiations he invited the contending parties to a royal entertainment in the palace of Holyrood House; and partly by his authority, partly by his entreaties, obtained their promise to bury their dissensions in perpetual oblivion. From thence he conducted them, in solemn procession, through the streets of Edinburgh, marching by pairs, each hand in hand with his enemy. A collation of wine and sweetmeats was prepared at the public cross, and there they drank to each other with all the signs of reciprocal forgiveness and of future friendship. The people, who were present at a spectacle so unusual, conceived the most sanguine hopes of seeing concord and tranquillity established in every part of the kingdom, and testified their satisfaction by repeated acclamations⁵⁹. Unhappily, the effects of this reconciliation were not correspondent either to the pious endeavours of the King, or to the fond wishes of the people.

The first care of the parliament was the security of the Protestant religion. All the laws passed in its favour since the Reformation were ratified; and a new and severe one was enacted against seminary priests and jesuits, whose restless industry in making proselytes brought many of them into Scotland about this time. Two acts of this parliament deserve more particular notice on account of the consequences with which they were followed.

The one respected the lands of the church. As the public revenues were not sufficient for defraying the King's ordinary charges; as the administration of the government became more complicated and more expensive; as James was naturally profuse, and a stranger to economy, it was necessary on all these accounts to provide some fund proportioned

⁵⁹ Spotsw. 164. Cald. iv. 13.

to his exigencies. But no considerable sum could be levied on the commons, who did not enjoy the benefit of an extensive commerce. The nobles were unaccustomed to bear the burden of heavy taxes. The revenues of the church were the only source whence a proper supply could be drawn. Notwithstanding all the depredations of the laity since the Reformation, and the various devices which they had employed to seize the church lands, some considerable portion of them remained still unalienated, and were held either by the bishops who possessed the benefices, or were granted to laymen during pleasure. All these lands were in this parliament annexed, by one general law⁶⁰, to the crown, and the King was empowered to apply the rents of them to his own use. The tithes alone were reserved for the maintenance of the persons who served the cure, and the principal mansion-house, with a few acres of land by way of glebe, allotted for their residence. By this great accession of property, it is natural to conclude that the King must have acquired a vast increase of power, and the influence of the nobles have suffered a proportional diminution. The very reverse of this seems, however, to have been the case. Almost all grants of church-lands, prior to this act, were thereby confirmed; and titles, which were formerly reckoned precarious, derived thence the sanction of parliamentary authority. James was likewise authorized, during a limited time, to make new alienations; and such was the facility of his temper, ever ready to yield to the solicitations of his servants, and to gratify their most extravagant demands, that not only during the time limited, but throughout his whole reign, he was continually employed in bestowing, and his parliament in ratifying grants of this kind to his nobles: hence little advantage accrued to the crown from that which might have been

⁶⁰ Parl. 11 Jac. VI. c. 29.

so valuable an addition to its revenues. The bishops, however, were great sufferers by the law. But at this juncture neither the King nor his ministers were solicitous about the interests of an order of men, odious to the people, and persecuted by the clergy. Their enemies promoted the law with the utmost zeal. The prospect of sharing in their spoils induced all parties to consent to it; and after a step so fatal to the wealth and power of the dignified clergy, it was no difficult matter to introduce that change in the government of the church which soon after took place⁶¹.

The change which the other statute produced in the civil constitution was no less remarkable. Under the feudal system, every freeholder, or immediate vassal of the crown, had a right to be present in parliament. These freeholders were originally few in number, but possessed of great and extensive property. By degrees these vast possessions were divided by the proprietors themselves, or parceled out by the Prince, or split by other accidents. The number of freeholders became greater, and their condition more unequal; besides the ancient barons, who preserved their estates and their power unimpaired, there arose another order whose rights were the same, though their wealth and influence were far inferior. But, in rude ages, when the art of government was extremely imperfect, when parliaments were seldom assembled, and deliberated on matters little interesting to a martial people, few of the *lesser barons* took their seats, and the whole parliamentary jurisdiction was exercised by the *greater barons*, in conjunction with the ecclesiastical order. James I., fond of imitating the forms of the English constitution, to which he had been long accustomed, and desirous of providing a counterpoise to the power of the great nobles, procured an act in the year 1427,

⁶¹ Spotsw. 365.

dispensing with the personal attendance of the lesser barons, and empowering those in each county to choose two commissioners to represent them in parliament. This law, like many other regulations of that wise Prince, produced little effect. All the King's vassals continued, as formerly, possessed of a right to be present in parliament; but, unless in some extraordinary conjunctures, the greater barons alone attended. But by means of the Reformation the constitution had undergone a great change. The aristocratical power of the nobles had been much increased, and the influence of the ecclesiastical order, which the crown usually employed to check their usurpation and to balance their authority, had diminished in proportion. Many of the abbeys and priories had been erected into temporal peerages; and the Protestant bishops, an indigent race of men and odious to the nation, were far from possessing the weight and credit which their predecessors derived from their own exorbitant wealth and the superstitious reverence of the people. In this situation the King had recourse to the expedient employed by James I., and obtained a law reviving the statute of 1427; and from that time the commons of Scotland have sent their representatives to parliament. An act which tended so visibly to abridge their authority did not pass without opposition from many of the nobles. But as the King had a right to summon the lesser barons to attend in person, others were apprehensive of seeing the house filled with a multitude of his dependents, and consented the more willingly to a law which laid them under the restriction of appearing only by their representatives.

The year 1588 began with a universal expectation throughout all Europe that it was to be distinguished by wonderful events and revolutions. Several astrologers, according to the accounts of contemporary historians, had predicted this; and the situation of

affairs in the two principal kingdoms of Europe was such that a sagacious observer, without any supernatural intelligence, might have hazarded the prediction and have foreseen the approach of some grand crisis. In France it was evident from the astonishing progress of the League conducted by a leader whose ambition was restrained by no scruples, and whose genius had hitherto surmounted all difficulties; as well as from the timid, variable, and impolitic councils of Henry III., that either that monarch must submit to abandon the throne of which he was unworthy, or by some sudden and daring blow cut off his formidable rival. Accordingly, in the beginning of the year, the Duke of Guise drove his master out of his capital city, and forced him to conclude a peace which left him only the shadow of royalty; and before the year expired he himself fell a victim to the resentment and fear of Henry and to his own security. In Spain the operations were such as promised something still more uncommon. During three years Philip had employed all the power of his European dominions, and exhausted the treasures of the Indies, in vast preparations for war. A fleet, the greatest that had ever appeared in the ocean, was ready to sail from Lisbon, and a numerous land army was assembled to embark on board of it. Its destination was still unknown, though many circumstances made it probable that the blow was aimed, in the first place, against England. Elizabeth had long given secret aid to the revolted provinces in the Low Countries, and now openly afforded them her protection. A numerous body of her troops was in their service; the Earl of Leicester commanded their armies; she had great sway in the civil government of the republic; and some of its most considerable towns were in her possession. Her fleets had insulted the coasts of Spain, intercepted the galleons

from the West Indies, and threatened the colonies there. Roused by so many injuries, allured by views of ambition, and animated by a superstitious zeal for propagating the Romish religion, Philip resolved not only to invade but to conquer England, to which his descent from the house of Lancaster and the donation of Pope Sixtus V. gave him in his own opinion a double title.

Elizabeth saw the danger approach, and prepared to encounter it. The measures for the defence of her kingdom were concerted and carried on with the wisdom and vigour which distinguished her reign. Her chief care was to secure the friendship of the King of Scots. She had treated the Queen his mother with a rigour unknown among Princes; she had often used himself harshly, and with contempt; and though he had hitherto prudently suppressed his resentment of these injuries, she did not believe it to be altogether extinguished, and was afraid that in her present situation it might burst out with fatal violence. Philip, sensible how much an alliance with Scotland would facilitate his enterprise, courted James with the utmost assiduity. He excited him to revenge his mother's wrong; he flattered him with the hopes of sharing his conquests; and offered him in marriage his daughter the Infanta Isabella. At the same time Scotland swarmed with priests, his emissaries, who seduced some of the nobles to Popery and corrupted others with bribes and promises. Huntly, Errol, Crawford, were the heads of a faction which openly espoused the interest of Spain. Lord Maxwell, arriving from that court, began to assemble his followers, and to take arms, that he might be ready to join the Spaniards. In order to counterbalance all these, Elizabeth made the warmest professions of friendship to the King; and Ashby, her ambassador, entertained him with magnificent hopes

and promises. He assured him that his right of succession to the crown should be publicly acknowledged in England: that he should be created a duke in that kingdom; and he should be admitted to some share in the government; and receive a considerable pension annually. James, it is probable, was too well acquainted with Elizabeth's arts to rely entirely on these promises. But he understood his own interest in the present juncture and pursued it with much steadiness. He rejected an alliance with Spain as dangerous. He refused to admit into his presence an ambassador from the Pope. He seized Colonel Semple, an agent of the Prince of Parma. He drove many of the seminary priests out of the kingdom. He marched suddenly to Dumfries, dispersed Maxwell's followers, and took him prisoner. In a convention of the nobles he declared his resolution to adhere inviolably to the league with England; and, without listening to the suggestions of revenge, determined to act in concert with Elizabeth against the common enemy of the Protestant faith. He put the kingdom in a posture of defence, and levied troops to obstruct the landing of the Spaniards. He offered to send an army to Elizabeth's assistance, and told her ambassador that he expected no other favour from the King of Spain but that which Polyphemus had promised to Ulysses, that when he had devoured all his companions he would make him his last morsel⁶².

The zeal of the people on this occasion was not inferior to that of the King; and the extraordinary danger with which they were threatened suggested to them an extraordinary expedient for their security. A bond was framed for the maintenance of true religion, as well as the defence of the King's person and government, in opposition to all enemies foreign

⁶² Camd. 544. Johnst. 139. Spotsw. 369.

and domestic. This contained a confession of the Protestant faith, a particular renunciation of the errors of Popery, and the most solemn promises, in the name and through the strength of God, of adhering to each other in supporting the former and contending against the latter to the utmost of their power⁶³. The King, the nobles, the clergy, and the people subscribed with equal alacrity. Strange or uncommon as such a combination may now appear, many circumstances contributed at that time to recommend it, and to render the idea familiar to the Scots. When roused by an extraordinary event or alarmed by any public danger, the people of Israel were accustomed to bind themselves by a solemn covenant to adhere to that religion which the Almighty had established among them; this the Scots considered as a sacred precedent which it became them to imitate. In that age no considerable enterprise was undertaken in Scotland without a bond of mutual defence, which all concerned reckoned necessary for their security. The form of this religious confederacy is plainly borrowed from those political ones of which so many instances have occurred; the articles, stipulations, and peculiar modes of expression are exactly the same in both. Almost all the considerable Popish Princes were then joined in a league for extirpating the reformed religion, and nothing could be more natural, or seemed more efficacious, than to enter into a counter association in order to oppose the progress of that formidable conspiracy. To these causes did the *covenant*, which is so famous in history, owe its origin. It was renewed at different times during the reign of James⁶⁴. It was revived with great solemnity, though with considerable alterations, in the year 1638. It was

⁶³ Dunlop's Collect. of Confess. vol. ii. 168.

⁶⁴ Cald. iv. 129.

adopted by the English in the year 1643, and enforced by the civil and ecclesiastical authority of both kingdoms. The political purposes to which it was then made subservient, and the violent and unconstitutional measures which it was then employed to promote, it is not our province to explain. But at the juncture in which it was first introduced, we may pronounce it to have been a prudent and laudable device for the defence of the religion and liberties of the nation; nor were the terms in which it was conceived other than might have been expected from men alarmed with the impending danger of Popery, and threatened with an invasion by the most bigoted and most powerful Prince in Europe.

Philip's eagerness to conquer England did not inspire him either with the vigour or dispatch necessary to insure the success of so mighty an enterprise. His fleet, which ought to have sailed in April, did not enter the English channel till the middle of July. It hovered many days on the coast in expectation of being joined by the Prince of Parma, who was blocked up in the ports of Flanders by a Dutch squadron. Continual disasters pursued the Spaniards during that time; successive storms and battles, which were well known, conspired with their own ill conduct to disappoint their enterprise. And by the blessing of Providence which watched with remarkable care over the Protestant religion and the liberties of Britain, the English valour scattered and destroyed the Armada on which Philip had arrogantly bestowed the name of Invincible. After being driven out of the English seas, their shattered ships were forced to steer their course toward Spain round Scotland and Ireland. Many of them suffered shipwreck on these dangerous and unknown coasts. Though James kept his subjects under arms to watch the motions of the Spaniards and to prevent their landing in an

hostile manner, he received with great humanity seven hundred who were forced ashore by a tempest, and after supplying them with necessaries permitted them to return into their own country.

On the retreat of the Spaniards Elizabeth sent an ambassador to congratulate with James, and to compliment him on the firmness and generosity he had discovered during a conjuncture so dangerous. But none of Ashby's promises were any longer remembered; that minister was even accused of having exceeded his powers by his too liberal offers; and conscious of his own falsehood, or ashamed of being disowned by his court, he withdrew secretly out of Scotland⁶⁵.

1589.] Philip, convinced by fatal experience of his own rashness in attempting the conquest of England by a naval armament, equipped at so great a distance, and subjected in all its operations to the delays and dangers and uncertainties arising from seas and wind, resolved to make his attack in another form, and to adopt the plan which the Princes of Lorraine had long meditated, of invading England through Scotland. A body of his troops he imagined might be easily wafted over from the Low Countries to that kingdom; and if they could once obtain footing or procure assistance there, the frontier of England was open and defenceless, and the northern counties full of Roman Catholics, who would receive them with open arms. Meanwhile a descent might be threatened on the southern coast, which would divide the English army, distract their councils, and throw the whole kingdom into terrible convulsions. In order to prepare the way for the execution of this design, he remitted a considerable sum of money to Bruce, a seminary priest in Scotland, and employed him, together with Hay, Crighton, and Tyrie, Scottish

⁶⁵ Johnst. 134. Camd. 548. Murdin, 635. 788.

Jesuits, to gain over as many persons of distinction as possible to his interest. Zeal for Popery, and the artful insinuations of these emissaries, induced several noblemen to favour a measure which tended so manifestly to the destruction of their country. Huntly, though the King had lately given him in marriage the daughter of his favourite the Duke of Lennox, continued warmly attached to the Romish church. Crawford and Errol were animated with the zeal of new converts. They all engaged in a correspondence with the Prince of Parma, and, in their letters to him, offered their service to the King of Spain, and undertook, with the aid of six thousand men, to render him master of Scotland, and to bring so many of their vassals into the field, that he should be able to enter England with a numerous army. Francis Stewart, grandson of James V.⁶⁶, whom the King had created Earl of Bothwell, though influenced by no motive of religion, for he still adhered to the Protestant faith, was prompted merely by caprice, and the restlessness of his nature, to join in this treasonable correspondence.

All these letters were intercepted in England [Feb. 17]. Elizabeth, alarmed at the danger which threatened her own kingdom, sent them immediately to the King, and, reproaching him with his former lenity towards the Popish party, called upon him to check this formidable conspiracy by a proper severity. But James, though firmly attached to the Protestant religion, though profoundly versed in the theological controversies between the Reformers and the church of Rome, though he had employed himself, at that early period of life, in writing a commentary on the Revelations, in which he laboured to prove the Pope to be Antichrist, had nevertheless

⁶⁶ He was the son of John Prior of Coldingham, one of James's natural children.

adopted already those maxims concerning the treatment of the Roman Catholics, to which he adhered through the rest of his life. The Roman Catholics were at that time a powerful and active party in England; they were far from being an inconsiderable faction in his own kingdom. The Pope and the King of Spain were ready to take part in all their machinations, and to second every effort of their bigotry. The opposition of such a body to his succession to the crown of England, added to the averseness of the English from the government of strangers, might create him many difficulties. In order to avoid these, he thought it necessary to sooth rather than to irritate the Roman Catholics, and to reconcile them to his succession, by the hopes of gentler treatment, and some mitigation of the rigour of those laws which were now in force against them. This attempt to gain one party by promises of indulgence and acts of clemency, while he adhered with all the obstinacy of a disputant to the doctrines and tenets of the other, has given an air of mystery, and even of contradiction, to this part of the King's character. The Papists, with the credulity of a sect struggling to obtain power, believed his heart to be wholly theirs; and the Protestants, with the jealousy inseparable from those who are already in possession of power, viewed every act of lenity as a mark of indifference, or a symptom of apostasy. In order to please both, James often aimed at an excessive refinement, mingled with dissimulation, in which he imagined the perfection of government and of king-craft to consist.

His behaviour on this occasion was agreeable to these general maxims. Notwithstanding the solicitations of the Queen of England, enforced by the zealous remonstrances of his own clergy, a short imprisonment was the only punishment he inflicted

upon Huntly and his associates. But he soon had reason to repent an act of clemency so inconsistent with the dignity of government. The first use which the conspirators made of their liberty was, to assemble their followers; and, under pretence of removing Chancellor Maitland, an able minister, but warmly devoted to the English interest, from the King's council and presence they attempted to seize James himself. This attempt being defeated, partly by Maitland's vigilance and partly by their own ill conduct, they were forced to retire to the North, where they openly erected the standard of rebellion. But as the King's government was not generally unpopular, or his ministers odious, their own vassals joined them slowly, and discovered no zeal in the cause. The King, in person, advancing against them with such forces as he could suddenly levy, they durst not rely so much on the fidelity of the troops, which, though superior in number, followed them with reluctance, as to hazard a battle; but suffering them to disperse, they surrendered to the King, and threw themselves on his mercy. Huntly, Errol, Crawford, and Bothwell, were all brought to a public trial. Repeated acts of treason were easily proved against them. The King, however, did not permit any sentence to be pronounced; and after keeping them a few months in confinement, he took occasion, amidst the public festivity and rejoicings at the approach of his marriage, to set them at liberty⁶⁷.

As James was the only descendant of the ancient monarchs of Scotland in the direct line; as all hopes of uniting the crowns of the two kingdoms would have expired with him; as the Earl of Arran, the presumptive heir to the throne, was lunatic; the King's marriage was, on all these accounts, an event

⁶⁷ Spotsw. 373. Cald. iv. 103—130.

which the nation wished for with the utmost ardour. He himself was no less desirous of accomplishing it; and had made overtures for that purpose to the eldest daughter of Frederick II. King of Denmark. But Elizabeth, jealous of every thing that would render the accession of the house of Stewart more acceptable to the English, endeavoured to perplex James in the same manner she had done Mary, and employed as many artifices to defeat or to retard his marriage. His ministers, gained by bribes and promises, seconded her intention; and though several different ambassadors were sent from Scotland to Denmark, they produced powers so limited, or insisted on conditions so extravagant, that Frederick could not believe the King to be in earnest; and, suspecting that there was some design to deceive or amuse him, gave his daughter in marriage to the Duke of Brunswick. Not discouraged by this disappointment, which he imputed entirely to the conduct of his own ministers, James made addresses to the Princess Anne, Frederick's second daughter. Though Elizabeth endeavoured to divert him from this by recommending Catharine, the King of Navarre's sister, as a more advantageous match; though she prevailed on the privy council of Scotland to declare against the alliance with Denmark, he persisted in his choice; and despairing of overcoming the obstinacy of his own ministers in any other manner, he secretly encouraged the citizens of Edinburgh to take arms. They threatened to tear in pieces the chancellor, whom they accused as the person whose artifices had hitherto disappointed the wishes of the King and the expectations of his people. In consequence of this, the Earl Marischal was sent into Denmark at the head of a splendid embassy. He received ample powers and instructions, drawn with the King's own hand. The marriage articles were

quickly agreed upon, and the young Queen set sail towards Scotland. James made great preparations for her reception, and waited her landing with all the impatience of a lover; when the unwelcome account arrived, that a violent tempest had risen, which drove back her fleet to Norway, in a condition so shattered that there was little hope of its putting again to sea before the spring. This unexpected disappointment he felt with the utmost sensibility. He instantly fitted out some ships, and, without communicating his intention to any of his council, sailed in person, attended by the chancellor, several noblemen, and a train of three hundred persons, in quest of his bride [Oct. 22]. He arrived safely in a small harbour near Upslo, where the Queen then resided. There the marriage was solemnized [Nov. 24]; and as it would have been rash to trust those boisterous seas in the winter season, James accepted the invitation of the court of Denmark, and, repairing to Copenhagen, passed several months there, amidst continual feasting and amusements, in which both the Queen and himself had great delight⁶⁸.

No event in the King's life appears to be a wider deviation from his general character than this sudden sally. His son Charles I. was capable of that excessive admiration of the other sex, which arises from great sensibility of heart, heightened by elegance of taste; and the romantic air of his journey to Spain suited such a disposition. But James was not susceptible of any refined gallantry, and always expressed that contempt for the female character which a pedantic erudition, unacquainted with politeness, is apt to inspire. He was exasperated, however, and rendered impatient by the many obstacles which had been laid in his way. He was anxious to secure the political advantages which he

⁶⁸ Melvil, 352. Spotsw. 377. Murdin, 637.

expected from marriage; and fearing that a delay might afford Elizabeth and his own ministers an opportunity of thwarting him by new intrigues, he suddenly took the resolution of preventing them, by a voyage from which he expected to return in a few weeks. The nation seemed to applaud his conduct, and to be pleased with this appearance of amorous ardour in a young Prince. Notwithstanding his absence so long beyond the time he expected, the nobles, the clergy, and the people, vied with one another in loyalty and obedience; and no period of the King's reign was more remarkable for tranquillity, or more free from any eruption of those factions which so often disturbed the kingdom.

THE HISTORY OF SCOTLAND.

BOOK VIII.

1590.

ON the 1st of May the King and Queen arrived at Leith, and were received by their subjects with every possible expression of joy. The solemnity of the Queen's coronation was conducted with great magnificence: but so low had the order of bishops fallen in the opinion of the public, that none of them were present on that occasion; and Mr. Robert Bruce, a Presbyterian minister of great reputation, set the crown on her head, administered the sacred unction, and performed the other customary ceremonies.

The zeal and success with which many of the clergy had contributed towards preserving peace and order in the kingdom, during his absence, reconciled James, in a great degree, to their persons, and even to the Presbyterian form of government. In presence of an assembly which met this year [Aug. 4], he made high encomiums on the discipline as well as the doctrine of the church, promised to adhere inviolably to both, and permitted the assembly to frame such acts as gradually abolished all the remains of episcopal jurisdiction, and paved the way for a full and legal establishment of the Presbyterian model¹.

¹ Cald. iv. 204.

1591.] An event happened soon after, which afforded the clergy no small triumph. Archbishop Adamson, their ancient opponent, having fallen under the King's displeasure, having been deprived of the revenues of his see in consequence of the act of annexation, and being oppressed with age, with poverty, and diseases, made the meanest submission to the clergy, and delivered to the assembly a formal recantation of all his opinions concerning church government, which had been matter of offence to the Presbyterians. Such a confession, from the most learned person of the episcopal order, was considered as a testimony which the force of truth had extorted from an adversary².

Meanwhile, the King's excessive clemency towards offenders multiplied crimes of all kinds, and encouraged such acts of violence as brought his government under contempt, and proved fatal to many of his subjects. The history of several years, about this time, is filled with accounts of the deadly quarrels between the great families, and of murders and assassinations perpetrated in the most audacious manner, and with circumstances of the utmost barbarity. All the defects in the feudal aristocracy were now felt more sensibly, perhaps, than at any other period in the history of Scotland, and universal licence and anarchy prevailed to a degree scarce consistent with the preservation of society: while the King, too gentle to punish, or too feeble to act with vigour, suffered all these enormities to pass with impunity.

But though James connived at real crimes, witchcraft, which is commonly an imaginary one, engrossed his attention, and those suspected of it felt the whole weight of his authority. Many persons, neither extremely old nor wretchedly poor, which were usually held to be certain indications of this

² Spotsw. 385. Cald. iv. 214.

crime, but masters of families, and matrons of a decent rank, and in the middle age of life, were seized and tortured. Though their confessions contained the most absurd and incredible circumstances, the King's prejudices, those of the clergy and of the people, conspired in believing their extravagancies without hesitation, and in punishing their persons without mercy. Some of these unhappy sufferers accused Bothwell of having consulted them, in order to know the time of the King's death, and of having employed their art to raise the storms which had endangered the Queen's life, and had detained James so long in Denmark. Upon this evidence that nobleman was committed to prison. His turbulent and haughty spirit could neither submit to the restraint, nor brook such an indignity. Having gained his keepers, he made his escape; and imputing the accusation to the artifices of his enemy the chancellor, he assembled his followers, under pretence of driving him from the King's councils. Being favoured by some of the King's attendants, he was admitted by a secret passage, under cloud of night, into the court of the palace of Holyrood House. He advanced directly towards the royal apartment; but happily before he entered, the alarm was taken, and the doors shut. While he attempted to burst open some of them [Dec. 27], and set fire to others, the citizens of Edinburgh had time to run to their arms, and he escaped with the utmost difficulty; owing his safety to the darkness of the night, and the precipitancy with which he fled³.

1592.] He retired towards the north; and the King having unadvisedly given a commission to the Earl of Huntly to pursue him and his followers with fire and sword, he, under colour of executing that commission, gratified his private revenge, and surrounded the house of the Earl of Murray, burned

³ Melv. 388. Spotsw. 386.

it to the ground, and slew Murray himself [Feb. 8]. The murder of a young nobleman of such promising virtues, and the heir of the Regent Murray, the darling of the people, excited universal indignation. The citizens of Edinburgh rose in a tumultuous manner; and, though they were restrained, by the care of the magistrates, from any act of violence, they threw aside all respect for the King and his ministers, and openly insulted and threatened both. While this mutinous spirit continued, James thought it prudent to withdraw from the city, and fix his residence for some time at Glasgow. There Huntly surrendered himself to justice; and, notwithstanding the atrociousness of his crime, and the clamours of the people, the power of the chancellor, with whom he was now closely confederated, and the King's regard for the memory of the Duke of Lennox, whose daughter he had married, not only protected him from the sentence which such an odious action merited, but exempted him even from the formality of a public trial⁴.

A step of much importance was taken soon after with regard to the government of the church. The clergy had long complained of the encroachments made upon their privileges and jurisdiction by the acts of the parliament 1584; and though these laws had now lost much of their force, they resolved to petition the parliament which was approaching to repeal them in form. The juncture for pushing such a measure was well chosen. The King had lost much of the public favour by his lenity towards the Popish faction, and still more by his remissness in pursuing the murderers of the Earl of Murray. The chancellor had not only a powerful party of the courtiers combined against him, but was become odious to the people, who imputed to him every false step in the King's conduct. Bothwell still lurked in the kingdom, and, being secretly supported by all the

⁴ Melv. 387.

enemies of Maitland's administration, was ready every moment to renew his audacious enterprises. James, for all these reasons, was extremely willing to indulge the clergy in their request, and not only consented to a law, whereby the acts of 1584 were rescinded or explained, but he carried his complaisance still further, and permitted the parliament to establish the presbyterian government, in its general assemblies, provincial synods, presbyteries, and kirk sessions, with all the different branches of their discipline and jurisdiction, in the most ample manner. All the zeal and authority of the clergy, even under the administration of Regents, from whom they might have expected the most partial favour, could not obtain the sanction of law, in confirmation of their mode of ecclesiastical government. No Prince was ever less disposed than James to approve a system, the republican genius of which inspired a passion for liberty extremely repugnant to his exalted notions of royal prerogative. Nor could any aversion be more inveterate than his to the austere and uncomplying character of the presbyterian clergy in that age; who, more eminent for zeal than for policy, often contradicted his opinions, and censured his conduct, with a freedom equally offensive to his dogmatism as a theologian, and to his pride as a King. His situation, however, obliged him frequently to conceal or to dissemble his sentiments; and, as he often disgusted his subjects by indulging the Popish faction more than they approved, he endeavoured to atone for this by concessions to the presbyterian clergy, more liberal than he himself would otherwise have chosen to grant⁵.

In this parliament, Bothwell and all his adherents were attainted. But he soon made a new attempt to seize the King at Falkland; and James, betrayed by some of his courtiers, and feebly defended by

⁵ Cald. iv. 248. 252. Spotsw. 388.

others, who wished well to Bothwell as the chancellor's avowed enemy, owed his safety to the fidelity and vigilance of Sir Robert Melvil, and to the irresolution of Bothwell's associates⁶.

Scarcely was this danger over, when the nation was alarmed with the discovery of a new and more formidable conspiracy. George Ker, the Lord Newbattle's brother, being seized as he was ready to set sail for Spain, many suspicious papers were found in his custody, and among these several blanks signed by the Earls of Angus, Huntly, and Errol. By this extraordinary precaution they hoped to escape any danger of discovery. But Ker's resolution shrinking when torture was threatened, he confessed that he was employed by these noblemen to carry on a negotiation with the King of Spain; that the blanks subscribed with their names were to be filled up by Crichton and Tyrie; that they were instructed to offer the faithful service of the three Earls to that monarch; and to solicit him to land a body of his troops, either in Galloway or at the mouth of Clyde, with which they undertook, in the first place, to establish the Roman Catholic religion in Scotland, and then to invade England with the whole forces of the kingdom. David Graham of Fintry, and Barclay of Ladyland, whom he accused of being privy to the conspiracy, were taken into custody, and confirmed all the circumstances of his confessions⁷.

1593.] The nation having been kept for some time in continual terror and agitation by so many successive conspiracies, the discovery of this new danger completed the panic. All ranks of men, as if the enemy had already been at their gates, thought themselves called upon to stand forth in defence of their country. The ministers of Edinburgh, without waiting for any warrant from the King, who

⁶ Melv. 102.

⁷ Rymer, xvi. 190.

happened at that time to be absent from the capital, and without having received any legal commission, assembled a considerable number of peers and barons, in order to provide an instant security against the impending danger. They seized the Earl of Angus, and committed him to the castle; they examined Ker; and prepared a remonstrance to be laid before the King, concerning the state of the nation, and the necessity of prosecuting the conspirators with becoming vigour. James, though jealous of every encroachment on his prerogative, and offended with his subjects, who, instead of petitioning, seemed to prescribe to him, found it necessary, during the violence of the ferment, not only to adopt their plan, but even to declare that no consideration should ever induce him to pardon such as had been guilty of so odious a treason. He summoned the Earls of Huntly and Errol to surrender themselves to justice. Graham of Fintry, whom his peers pronounced to be guilty of treason, he commanded to be publicly beheaded [Jan. 8]; and marching into the north at the head of an army, the two earls, together with Angus, who had escaped out of prison, retired to the mountains. He placed garrisons in the castles which belonged to them; compelled their vassals, and the barons in the adjacent counties, to subscribe a bond containing professions of their loyalty towards him, and of their firm adherence to the Protestant faith; and, the better to secure the tranquillity of that part of the kingdom, constituted the Earls of Athol and Marischal his lieutenants there⁸.

Having finished this expedition, James returned to Edinburgh [March 18], where he found Lord Borrough, an extraordinary ambassador from the court of England. Elizabeth, alarmed at the discovery of a conspiracy which she considered as no

⁸ Spotsw. 301. Cald. iv. 291.

less formidable to her own kingdom than to Scotland, reproached James with his former remissness, and urged him, as he regarded the preservation of the Protestant religion, or the dignity of his own crown, to punish this repeated treason with rigour; and if he could not apprehend the persons, at least to confiscate the estates of such audacious rebels. She weakened, however, the force of these requests, by interceding at the same time in behalf of Bothwell, whom, according to her usual policy, in nourishing a factious spirit among the Scottish nobles, she had taken under her protection. James absolutely refused to listen to any intercession in favour of one who had so often, and with so much outrage, insulted both his government and his person. With regard to the Popish conspirators, he declared his resolution to prosecute them with vigour; but that he might be the better able to do so, he demanded a small sum of money from Elizabeth, which she, distrustful perhaps of the manner in which he might apply it, showed no inclination to grant. The zeal, however, and importunity of his own subjects obliged him to call a parliament, in order to pass an act of attainder against the three earls. But before it met, Ker made his escape out of prison, and on pretence that legal evidence of their guilt could not be produced, nothing was concluded against them. The King himself was universally suspected of having contrived this artifice, on purpose to elude the requests of the Queen of England, and to disappoint the wishes of his own people; and therefore, in order to sooth the clergy, who exclaimed loudly against his conduct, he gave way to the passing of an act, which ordained such as obstinately contemned the censures of the church to be declared outlaws⁹.

While the terror excited by the Popish conspiracy possessed the nation, the court had been divided by

⁹ Cald. iv. 343. Spotsw. 393. Parl. 13 Jac. VI. c. 164.

two rival factions, which contended for the chief direction of affairs. At the head of one was the chancellor, in whom the King reposed entire confidence. For that very reason, perhaps, he had fallen early under the Queen's displeasure. The Duke of Lennox, the Earl of Athol, Lord Ochiltree, and all the name of Stewart espoused her quarrel, and widened the breach. James, fond no less of domestic tranquillity than of public peace, advised his favourite to retire, for some time, in hopes that the Queen's resentment would subside. But as he stood in need, in the present juncture, of the assistance of an able minister, he had recalled him to court. In order to prevent him from recovering his former power, the Stewarts had recourse to an expedient no less illegal than desperate. Having combined with Bothwell, who was of the same name, they brought him back secretly into Scotland [July 24]; and, seizing the gates of the palace, introduced him into the royal apartment with a numerous train of armed followers. James, though deserted by all his courtiers, and incapable of resistance, discovered more indignation than fear, and, reproaching them for their treachery, called on the Earl to finish his treasons by piercing his sovereign to the heart. But Bothwell fell on his knees, and implored pardon. The King was not in a condition to refuse his demands. A few days after he signed a capitulation with this successful traitor, to whom he was really a prisoner, whereby he bound himself to grant him a remission for all past offences, and to procure the ratification of it in parliament; and in the mean time to dismiss the chancellor, the Master of Glamis, Lord Home, and Sir George Home, from his councils and presence. Bothwell, on his part, consented to remove from court, though he left there as many of his associates as he thought sufficient to prevent the return of the adverse faction.

But it was now no easy matter to keep the King under the same kind of bondage to which he had been often subject during his minority. He discovered so much impatience to shake off his fetters that those who had imposed durst not continue the restraint. They permitted him to call a convention of the nobles at Stirling, and to repair thither himself [Sept. 7]. All Bothwell's enemies, and all who were desirous of gaining the King's favour by appearing to be so, obeyed the summons. They pronounced the insult offered to the King's person and authority to be high treason, and declared him absolved from any obligation to observe conditions extorted by force, and which violated so essentially his royal prerogative. James, however, still proffered him a pardon, provided he would sue for it as an act of mercy, and promise to retire out of the kingdom. These conditions Bothwell rejected with disdain, and, betaking himself once more to arms, attempted to surprise the King; but finding him on his guard, fled to the borders¹⁰.

The King's ardour against Bothwell, compared with his slow and evasive proceedings against the Popish lords, occasioned a general disgust among his subjects: and was imputed either to an excessive attachment to the persons of those conspirators, or to a secret partiality towards their opinions; both which gave rise to no unreasonable fears [Sept. 25]. The clergy, as the immediate guardians of the Protestant religion, thought themselves bound, in such a juncture, to take extraordinary steps for its preservation. The provincial synod of Fife happening to meet at that time, a motion was made to excommunicate all concerned in the late conspiracy, as obstinate and irreclaimable Papists; and though none of the conspirators resided within the bounds of the synod, or were subject to its jurisdiction, such was

¹⁰ Cald. iv. 326. Spotsw. 395.

the zeal of the members, that, overlooking this irregularity, they pronounced against them the sentence of excommunication, to which the act of last parliament added new terrors. Lest this should be imputed to a few men, and accounted the act of a small part of the church, deputies were appointed to attend the adjacent synods, and to desire their approbation and concurrence.

An event happened a few weeks after, which increased the people's suspicions of the King. As he was marching on an expedition against the borderers [Oct. 17], the three Popish earls, coming suddenly into his presence, offered to submit themselves to a legal trial; and James, without committing them to custody, appointed a day for that purpose. They prepared to appear with a formidable train of their friends and vassals. But in the mean time the clergy, together with many peers and barons, assembled at Edinburgh, remonstrated against the King's extreme indulgence with great boldness, and demanded of him, according to the regular course of justice, to commit to sure custody persons charged with the highest acts of treason, who could not be brought to a legal trial until they were absolved from the censures of the church; and to call a convention of estates, to deliberate concerning the method of proceeding against them. At the same time they offered to accompany him in arms to the place of trial, lest such audacious and powerful criminals should overawe justice, and dictate to the judges, to whom they pretended to submit. James, though extremely offended, both with the irregularity of their proceedings, and the presumption of their demands, found it expedient to put off the day of trial, and to call a convention of estates, in order to quiet the fears and jealousies of the people. By being humoured in this point, their suspicions began gradually to abate, and the chancellor managed the

convention so artfully that he himself, together with a few other members, were empowered to pronounce a final sentence upon the conspirators [Nov. 26]. After much deliberation they ordained, that the three earls and their associates should be exempted from all further inquiry or prosecution, on account of their correspondence with Spain; that before the 1st day of February, they should either submit to the church, and publicly renounce the errors of Popery, or remove out of the kingdom; that, before the 1st of January, they should declare which of these alternatives they would embrace; that they should find surety for their peaceable demeanour for the future; and that if they failed to signify their choice in due time, they should lose the benefit of this act of *abolition*, and remain exposed to all the pains of law¹¹.

1594.] By this lenity towards the conspirators, James incurred much reproach, and gained no advantage. Devoted to the Popish superstition, submissive to all the dictates of their priests, and buoyed up with hopes and promises of foreign aid, the three earls refused to accept of the conditions, and continued their treasonable correspondence with the court of Spain. A convention of estates [Jan. 18] pronounced them to have forfeited the benefit of the articles which were offered; and the King required them, by proclamation, to surrender themselves to justice. The presence of the English ambassador contributed, perhaps, to the vigour of these proceedings. Elizabeth, ever attentive to James's motions, and imputing his reluctance to punish the Popish lords to a secret approbation of their designs, had sent Lord Zouche to represent once more, the danger to which he exposed himself by this false moderation; and to require him to exercise that rigour which their crimes, as well as the posture of

¹¹ Cald. iv. 330. Spotsw. 397.

affairs rendered necessary. Though the steps now taken by the King silenced all complaints on that head, yet Zouche, forgetful of his character as an ambassador, entered into private negotiations with such of the Scottish nobles as disapproved of the King's measures, and held almost an open correspondence with Bothwell, who, according to the usual artifice of malecontents, pretended much solicitude for reforming the disorders of the commonwealth; and covered his own ambition with the specious veil of zeal against those counsellors who restrained the King from pursuing the avowed enemies of the Protestant faith. Zouche encouraged him, in the name of his mistress, to take arms against his sovereign.

Meanwhile the King and the clergy were filled with mutual distrust of each other. They were jealous, perhaps, to excess, that James's affections leaned too much towards the Popish faction. He suspected them, without good reason, of prompting Bothwell to rebellion, and even of supplying him with money for that purpose. Little instigation, indeed, was wanting to rouse such a turbulent spirit as Bothwell's to any daring enterprise. He appeared suddenly within a mile of Edinburgh, at the head of four hundred horse. The pretences by which he endeavoured to justify this insurrection, were extremely popular; zeal for religion, enmity to Popery, concern for the King's honour, and for the liberties of the nation. James was totally unprovided for his own defence; he had no infantry, and was accompanied only with a few horsemen of Lord Home's train. In this extremity, he implored the aid of the citizens of Edinburgh; and in order to encourage them to act with zeal, he promised to proceed against the Popish lords with the utmost rigour of law. Animated by their ministers, the citizens ran cheerfully to their arms, and advanced, with the King at their head, against Bothwell: but he, not-

withstanding his success in putting to flight Lord Home, who had rashly charged him with a far inferior number of cavalry, retired to Dalkeith without daring to attack the King. His followers abandoned him soon after, and discouraged by so many successive disappointments, could never afterwards be brought to venture into the field. He betook himself to his usual lurking places in the north of England; but Elizabeth, in compliance with the King's remonstrances, obliged him to quit his retreat¹².

No sooner was the King delivered from one danger, than he was called to attend to another. The Popish lords, in consequence of their negotiations with Spain [April 3], received, in the spring, a supply of money from Philip. What bold designs this might inspire, it was no easy matter to conjecture. From men under the dominion of bigotry, and whom indulgence could not reclaim, the most desperate actions were to be dreaded. The Assembly of the church immediately took the alarm; remonstrated against them with more bitterness than ever; and unanimously ratified the sentence of excommunication pronounced by the synod of Fife. James himself, provoked by their obstinacy and ingratitude, and afraid that his long forbearance would not only be generally displeasing to his own subjects, but give rise to unfavourable suspicions among the English, exerted himself with unusual vigour. He called a parliament [June 8]; laid before it all the circumstances and aggravations of the conspiracy; and though there were but few members present, and several of these connected with the conspirators by blood or friendship, he prevailed on them, by his influence and importunity, to pronounce the most rigorous sentence which the law can inflict. They were declared to be guilty of high treason, and their estates and honours forfeited. At the same time,

¹² Spotsw. 403. Cald. iv. 359.

statutes more severe than ever were enacted against the professors of the Popish religion.

How to put this sentence in execution was a matter of great difficulty. Three powerful barons, cantoned in a part of the country of difficult access, surrounded with numerous vassals, and supported by aid from a foreign Prince, were more than an overmatch for a Scottish monarch. No entreaty could prevail on Elizabeth to advance the money necessary for defraying the expenses of an expedition against them. To attack them in person, with his own forces alone, might have exposed James both to disgrace and to danger. He had recourse to the only expedient which remained in such a situation, for aiding the impotence of sovereign authority; he delegated his authority to the Earl of Argyll and Lord Forbes, the leaders of two clans at enmity with the conspirators; and gave them a commission to invade their lands, and to seize the castles which belonged to them. Bothwell, notwithstanding all his high pretensions of zeal for the Protestant religion, having now entered into a close confederacy with them, the danger became every day more urgent. Argyll, solicited by the King, and roused by the clergy, took the field at the head of seven thousand men. Huntly and Errol met him at Glenlivet, with an army far inferior in number, but composed chiefly of gentlemen of the low countries, mounted on horseback, and who brought along with them a train of fieldpieces. They encountered each other [Oct. 3] with all the fury which hereditary enmity and ancient rivalry add to undisciplined courage. [1595.] But the Highlanders, disconcerted by the first discharge of the cannon, to which they were little accustomed, and unable to resist the impression of cavalry, were soon put to flight; and Argyll, a gallant young man of eighteen, was carried by his friends out of the field, weeping

with indignation at their disgrace, and calling on them to stand, and to vindicate the honour of their name¹³.

On the first intelligence of this defeat, James, though obliged to pawn his jewels in order to raise money¹⁴, assembled a small body of troops, and marched towards the north. He was joined by the Irvines, Keiths, Leslys, Forbeses, and other clans at enmity with Huntly and Errol, who having lost several of their principal followers at Glenlivet, and others refusing to bear arms against the King in person, were obliged to retire to the mountains. James wasted their lands; put garrisons in some of their castles; burned others; and left the Duke of Lennox as his lieutenant in that part of the kingdom, with a body of men sufficient to restrain them from gathering to any head there, or from infesting the low country. Reduced at last to extreme distress by the rigour of the season, and the desertion of their followers, they obtained the King's permission to go beyond seas, and gave security that they should neither return without his licence, nor engage in any new intrigues against the Protestant religion, or the peace of the kingdom¹⁵.

By their exile tranquillity was reestablished in the north of Scotland; and the firmness and vigour which James had displayed, in his last proceedings against them, regained him, in a great degree, the confidence of his Protestant subjects. But he sunk in the same proportion, and for the same reason, in the esteem of the Roman Catholics. They had asserted his mother's right to the crown of England with so much warmth, that they could not, with any decency, reject his; and the indulgence, with which he affected to treat the professors of the Popish religion, inspired them with such hopes, that they viewed

¹³ Cald. iv. 408.

¹⁴ Birch. Mem. i. 186.

¹⁵ Spotsw. 401. Cald. 373, &c.

his accession to the throne as no undesirable event. But the rigour with which the King had lately pursued the conspirators, and the severe statutes against Popery to which he had given his consent, convinced them now that these hopes were visionary; and they began to look about in quest of some new successor, whose rights they might oppose to his. The Papists who resided in England turned their eyes towards the Earl of Essex, whose generous mind, though firmly established in the Protestant faith, abhorred the severities inflicted in that age on account of religious opinions. Those of the same sect, who were in exile, formed a bolder scheme, and one more suitable to their situation. They advanced the claim of the Infanta of Spain; and Parsons the Jesuit published a book, in which, by false quotations from history, by fabulous genealogies, and absurd arguments, intermingled with bitter invectives against the King of Scots, he endeavoured to prove the Infanta's title to the English crown to be preferable to his. Philip, though involved already in a war both with France and England, and scarce able to defend the remains of the Burgundian provinces against the Dutch commonwealth, eagerly grasped at this airy project. The dread of a Spanish pretender to the crown, and the opposition which the Papists began to form against the King's succession, contributed not a little to remove the prejudices of the Protestants, and to prepare the way for that event.

Bothwell, whose name has been so often mentioned as the disturber of the King's tranquillity, and of the peace of the kingdom, was now in a wretched condition. Abandoned by the Queen of England on account of his confederacy with the Popish lords; excommunicated by the church for the same reason; and deserted, in his distress, by his own followers; he was obliged to fly for safety to France, and thence to Spain and Italy, where, after renouncing the

Protestant faith, he led many years an obscure and indigent life, remarkable only for a low and infamous debauchery. The King, though extremely ready to sacrifice the strongest resentment to the slightest acknowledgments, could never be softened by his submission, nor be induced to listen to any intercession in his behalf¹⁶.

This year the King lost Chancellor Maitland, an able minister, on whom he had long devolved the whole weight of public affairs. As James loved him while alive, he wrote, in honour of his memory, a copy of verses which, when compared with the compositions of that age, are far from being inelegant¹⁷.

Soon after his death a considerable change was made in the administration. At that time, the annual charges of government far exceeded the King's revenues. The Queen was fond of expensive amusements. James himself was a stranger to economy. It became necessary, for all these reasons, to levy the public revenues with greater order and rigour, and to husband them with more care. This important trust was committed to eight gentlemen of the law¹⁸, who, from their number, were called *Octavians*. The powers vested in them were ample, and almost unlimited. The King bound himself neither to add to their number, nor to supply any vacancy that might happen without their consent: and, knowing the facility of his own temper, agreed that no alienation of his revenue, no grant of a pension, or order on the treasury should be held valid, unless it was ratified by the subscription of five of the commissioners: all their acts and decisions were declared to be of equal force with the sentence of judges in

¹⁶ Winw. Mem. i. Spotsw. 410.

¹⁷ Spotsw. 411.

¹⁸ Alexander Seaton president of the session, Walter Stewart commendator of Blantyre, lord privy seal, David Carnegie, John Lindsay, James Elphinstone, Thomas Hamilton, John Skene, clerk register, and Peter Young, eleemosynar.

civil courts; and in consequence of them, and without any other warrant, any person might be arrested, or their goods seized. Such extensive jurisdiction, together with the absolute disposal of the public money, drew the whole executive part of government into their hands. United among themselves, they gradually undermined the rest of the King's ministers, and seized on every lucrative or honourable office. The ancient servants of the crown repined at being obliged to quit their stations to new men. [1596.] The favourites and young courtiers murmured at seeing the King's liberality stinted by their prescriptions. And the clergy exclaimed against some of them as known apostates to Popery, and suspected others of secretly favouring it. They retained their power, however, notwithstanding this general combination against them; and they owed it entirely to the order and economy which they introduced into the administration of the finances, by which the necessary expenses of government were more easily defrayed than in any other period of the King's reign¹⁹.

The rumour of vast preparations which Philip was said to be carrying on at this time, filled both England and Scotland with the dread of a new invasion. James took proper measures for the defence of his kingdom. But these did not satisfy the zeal of the clergy, whose suspicions of the King's sincerity began to revive; and as he had permitted the wives of the banished peers to levy the rents of their estates, and to live in their houses, they charged him with rendering the act of forfeiture ineffectual, by supporting the avowed enemies of the Protestant faith. The assembly of the church [March 24] took under consideration the state of the kingdom, and having appointed a day of public fasting, they solemnly renewed the covenant by which the nation was bound

¹⁹ Spotsw. 413. 435.

to adhere to the Protestant faith, and to defend it against all aggressors. A committee, consisting of the most eminent clergymen, and of many barons and gentlemen of distinction, waited on the King, and laid before him a plan for the security of the kingdom, and the preservation of religion. They urged him to appropriate the estates of the banished lords as a fund for the maintenance of soldiers; to take the strictest precautions for preventing the return of such turbulent subjects into the country; and to pursue all who were suspected of being their adherents with the utmost rigour.

Nothing could be more repugnant to the King's schemes, or more disagreeable to his inclination, than these propositions. Averse, through his whole life, to any course where he expected opposition or danger; and fond of attaining his ends with the character of moderation, and by the arts of policy, he observed with concern the prejudices against him which were growing among the Roman Catholics, and resolved to make some atonement for that part of his conduct which had drawn upon him their indignation. Elizabeth was now well advanced in years; her life had lately been in danger; if any Popish competitor should arise to dispute his right of succession, a faction so powerful as that of the banished lords might be extremely formidable; and any division among his own subjects might prove fatal at a juncture which would require their united and most vigorous efforts. Instead, therefore, of the additional severities which the assembly proposed, James had thoughts of mitigating the punishment which they already suffered. And as they were surrounded, during their residence in foreign parts, by Philip's emissaries; as resentment might dispose them to listen more favourably than ever to their suggestions; as despair might drive them to still more atrocious actions; he resolved to recall them,

under certain conditions, into their native country. Encouraged by these sentiments of the King in their favour, of which they did not want intelligence, and wearied already of the dependant and anxious life of exiles, they ventured to return secretly into Scotland. Soon after, they presented a petition to the King, begging his permission to reside at their own houses, and offering to give security for their peaceable and dutiful behaviour. James called a convention of estates to deliberate on a matter of such importance, and by their advice he granted the petition.

The members of a committee appointed by the last general assembly, as soon as they were informed of this, met at Edinburgh, and, with all the precipitancy of fear and of zeal, took such resolutions as they thought necessary for the safety of the kingdom. They wrote circular letters to all the presbyteries in Scotland; they warned them of the approaching danger; they exhorted them to stir up their people to the defence of their just rights; they commanded them to publish in all their pulpits the act excommunicating the Popish lords; and enjoined them to lay all those who were suspected of favouring Popery under the same censure by a summary sentence, and without observing the usual formalities of a trial. As the danger seemed too pressing to wait for the stated meetings of the judicatories of the church, they made choice of the most eminent clergymen in different corners of the kingdom, appointed them to reside constantly at Edinburgh, and to meet every day with the ministers of that city, under the name of the *Standing Council of the Church*, and vested in this body the supreme authority, by enjoining it, in imitation of the ancient Roman form, to take care that the church should receive no detriment.

These proceedings, no less unconstitutional than unprecedented, were manifest encroachments on the royal prerogative, and bold steps towards open re-

bellion. The King's conduct, however, justified in some degree such excesses. His lenity towards the Papists, so repugnant to the principles of that age; his pardoning the conspirators, notwithstanding repeated promises to the contrary; the respect he paid to Lady Huntly, who was attached to the Romish religion no less than her husband; his committing the care of his daughter, the Princess Elizabeth, to Lady Levingston, who was infected with the same superstition; the contempt with which he talked on all occasions, both of the character of ministers, and of their function, were circumstances which might have filled minds, not prone by nature to jealousy, with some suspicions; and might have precipitated into rash counsels those who were far removed from intemperate zeal. But, however powerful the motives might be which influenced the clergy, or however laudable the end they had in view, they conducted their measures with no address, and even with little prudence. James discovered a strong inclination to avoid a rupture with the church, and, jealous as he was of his prerogative, would willingly have made many concessions for the sake of peace. By his command, some of the privy counsellors had an interview with the more moderate among the clergy, and inquired whether Huntly and his associates might not, upon making proper acknowledgments, be again received into the bosom of the church, and be exempted from any further punishments on account of their past apostasy and treasons. They replied, that though the gate of mercy stood always open for those who repented and returned, yet as these noblemen had been guilty of idolatry, a crime deserving death both by the law of God and of man, the civil magistrate could not legally grant them a pardon; and even though the church should absolve them, it was his duty to inflict punishment upon them. This inflexibility in those who were reckoned

the most compliant of the order filled the King with indignation, which the imprudence and obstinacy of a private clergyman heightened into rage.

Mr. David Black, minister of St. Andrews's, discoursing in one of his sermons, according to custom, concerning the state of the nation, affirmed that the King had permitted the Popish lords to return into Scotland, and by that action had discovered the treachery of his own heart; that all Kings were the devil's children; that Satan had now the guidance of the court; that the Queen of England was an atheist; that the judges were miscreants and bribers; the nobility godless and degenerate; the privy counsellors cormorants and men of no religion; and in his prayer for the Queen he used these words, We must pray for her for fashion sake, but we have no cause, she will never do us good. James commanded him to be summoned before the privy council [Nov. 10], to answer for such seditious expressions; and the clergy, instead of abandoning him to the punishment which such a petulant and criminal attack upon his superiors deserved, were so imprudent as to espouse his cause, as if it had been the common one of the whole order. The controversy concerning the immunities of the pulpit, and the rights of the clergy to testify against vices of every kind, which had been agitated in 1584, was now revived. It was pretended that, with regard to their sacred function, ministers were subject to the church alone; that it belonged only to their ecclesiastical superiors to judge of the truth or falsehood of doctrines delivered in the pulpit; that if, upon any pretence whatever, the King usurped this jurisdiction, the church would, from that moment, sink under servitude to the civil magistrate; that, instead of reproof vice with that honest boldness which had often been of advantage to individuals, and salutary to the kingdom, the clergy would learn to flatter the passions of the

Prince, and to connive at the vices of others; that the King's eagerness to punish the indiscretion of a Protestant minister, while he was so ready to pardon the crimes of Popish conspirators, called on them to stand upon their guard, and that now was the time to contend for their privileges, and to prevent any encroachment on those rights, of which the church had been in possession ever since the Reformation. Influenced by these considerations, the council of the church enjoined Black to decline the jurisdiction of the privy council. Proud of such an opportunity to display his zeal, he presented a paper to that purpose, and with the utmost firmness refused to plead, or to answer the questions which were put to him. In order to add greater weight to these proceedings, the council of the church transmitted the *declinature* to all the presbyteries throughout the kingdom, and enjoined every minister to subscribe it in testimony of his approbation.

James defended his rights with no less vigour than they were attacked. Sensible of the contempt under which his authority must fall, if the clergy should be permitted publicly, and with impunity, to calumniate his ministers, and even to censure himself; and knowing, by former examples, what unequal reparation for such offences he might expect from the judicatories of the church, he urged on the inquiry into Black's conduct, and issued a proclamation, commanding the members of the council of the church to leave Edinburgh, and to return to their own parishes. Black, instead of submitting, renewed his *declinature*; and the members of the council, in defiance of the proclamation, declared, that as they met by the authority of the church, obedience to it was a duty still more sacred than that which they owed to the King himself. The privy council, notwithstanding Black's refusing to plead, proceeded in the trial; and, after a solemn inquiry, pronounced

him guilty of the crimes of which he had been accused; but referred it to the King to appoint what punishment he should suffer.

Meanwhile, many endeavours were used to bring matters to accommodation. Almost every day produced some new scheme of reconciliation; but, through the King's fickleness, the obstinacy of the clergy, or the intrigues of the courtiers, they all proved ineffectual. Both parties appealed to the people, and by reciprocal and exaggerated accusations endeavoured to render each other odious. Insolence, sedition, treason, were the crimes with which James charged the clergy; while they made the pulpits resound with complaints of his excessive lenity towards Papists, and of the no less excessive rigour with which he oppressed the established church. Exasperated by their bold invectives, he, at last, sentenced Black to retire beyond the river Spey, and to reside there during his pleasure; and once more commanding the members of the standing council to depart from Edinburgh, he required all the ministers in the kingdom to subscribe a bond, obliging themselves to submit, in the same manner as other subjects, to the jurisdiction of the civil courts in matters of a civil nature.

This decisive measure excited all the violent passions which possess disappointed factions; and deeds no less violent immediately followed. These must be imputed in part to the artifices of some courtiers who expected to reap advantage from the calamities of their country, or who hoped to lessen the authority of the Octavians, by engaging them in hostilities with the church. On one hand, they informed the King that the citizens of Edinburgh were under arms every night, and had planted a strong guard round the houses of their ministers. James, in order to put a stop to this imaginary insult on his government, issued a proclamation, commanding twenty-

four of the principal citizens to leave the town within six hours. On the other hand, they wrote to the ministers, advising them to look to their own safety, as Huntly had been secretly admitted to an interview with the King, and had been the author of the severe proclamation against the citizens of Edinburgh²⁰. They doubted no more of the truth of this intelligence, than the King had done of that which he received, and fell as blindly into the snare. The letter came to their hands just as one of their number was going to mount the pulpit. They resolved that he should acquaint the people of their danger [Dec. 17]; and he painted it with all the strong colours which men naturally employ in describing any dreadful and instant calamity. When the sermon was over, he desired the nobles and gentlemen to assemble in the *Little Church*. The whole multitude, terrified at what they had heard, crowded thither; they promised and vowed to stand by the clergy; they drew up a petition to the King, craving the redress of those grievances of which the church complained, and beseeching him to deliver them from all future apprehensions of danger, by removing such of his counsellors as were known to be enemies of the Protestant religion. Two peers, two gentlemen, two burgesses, and two ministers, were appointed to present it. The King happened to be in the great hall of the Tolbooth, where the court of session was sitting. The manner in which the petition was delivered, as well as its contents, offended him. He gave a haughty reply; the petitioners insisted with

²⁰ Though matters were industriously aggravated by persons who wished both parties to pursue violent measures, neither of these reports was altogether destitute of foundation. As their ministers were supposed to be in danger, some of the more zealous citizens had determined to defend them by force of arms. Birch. Mem. ii. 250. Huntly had been privately in Edinburgh, where he had an interview, if not with the King, at least with some of his ministers. Birch. Ibid. 230.

warmth; and a promiscuous multitude pressing into the room, James retired abruptly into another apartment, and commanded the gates to be shut behind him. The deputies returned to the multitude, who were still assembled, and to whom a minister had been reading, in their absence, the story of Haman. When they reported that the King had refused to listen to their petitions, the church was filled in a moment with noise, threatenings, execrations, and all the outrage and confusion of a popular tumult. Some called for their arms, some to bring out the wicked Haman; others cried 'The sword of the Lord and of Gideon;' and rushing out with the most furious impetuosity, surrounded the Tolbooth, threatening the King himself, and demanding some of his counsellors, whom they named, that they might tear them in pieces. The magistrates of the city, partly by authority, partly by force, endeavoured to quell the tumult; the King attempted to sooth the malecontents, by promising to receive their petitions, when presented in a regular manner; the ministers, sensible of their own rashness in kindling such a flame, seconded both; and the rage of the populace subsiding as suddenly as it had arisen, they all dispersed, and the King returned to the palace; happy in having escaped from an insurrection, which, through the instantaneous and unconcerted effect of popular fury, had exposed his life to imminent danger, and was considered by him as an unpardonable affront to his authority²¹.

As soon as he retired, the leaders of the malecontents assembled, in order to prepare their petition. The punishment of the Popish lords; the removal of those counsellors who were suspected of favouring their persons or opinions; the repeal of all the late acts of council, subversive of the authority of the church; together with an act approving the proceed-

²¹ Spotsw. 417, &c. Cald. v. 54, &c. Birch. Mem. ii. 235.

ings of the standing council, were the chief of their demands. But the King's indignation was still so high, that the deputies, chosen for this purpose, durst not venture that night to present requests which could not fail of kindling his rage anew. Before next morning, James, with all his attendants, withdrew to Linlithgow: the session, and other courts of justice, were required to leave a city where it was no longer consistent either with their safety or their dignity to remain; and the noblemen and barons were commanded to return to their own houses, and not to reassemble without the King's permission. The vigour with which the King acted struck a damp upon the spirits of his adversaries. The citizens, sensible how much they would suffer by his absence, and the removal of the courts of justice, repented already of their conduct. The ministers alone resolved to maintain the contest. They endeavoured to prevent the nobles from dispersing; they inflamed the people by violent invectives against the King; they laboured to procure subscriptions to an association for their mutual defence; and, conscious what lustre and power the junction of some of the greater nobles would add to their cause, the ministers of Edinburgh wrote to Lord Hamilton, that the people, moved by the word of God, and provoked by the injuries offered to the church, had taken arms; that many of the nobles had determined to protect the Protestant religion, which owed its establishment to the piety and valour of their ancestors; that they wanted only a leader to unite them, and to inspire them with vigour; that his zeal for the good cause, no less than his noble birth, entitled him to that honour: they conjured him, therefore, not to disappoint their hopes and wishes, nor to refuse the suffering church that aid which she so much needed. Lord Hamilton, instead of complying with their desire, carried the letter directly to the King, whom this

new insult irritated to such a degree, that he commanded the magistrates of Edinburgh instantly to seize their ministers, as manifest incendiaries and encouragers of rebellion. The magistrates, in order to regain the King's favour, were preparing to obey; and the ministers, who saw no other hope of safety, fled towards England²².

1597.] This unsuccessful insurrection, instead of overturning, established the King's authority. Those concerned in it were confounded and dispersed. [Jan. 3.] The rest of James's subjects, in order to avoid suspicion, or to gain his favour, contended who should be most forward to execute his vengeance. A convention of estates being called, pronounced the late insurrection to be high treason; ordained every minister to subscribe a declaration of his submission to the King's jurisdiction, in all matters civil and criminal; empowered magistrates to commit instantly to prison any minister, who, in his sermons, should utter any indecent reflections on the King's conduct; prohibited any ecclesiastical judicatory to meet without the King's licence; commanded that no person should be elected a magistrate of Edinburgh, for the future, without the King's approbation; and that, in the mean time, the present magistrates should either discover and inflict condign punishment on the authors of the late tumult, or the city itself should be subjected to all the penalties of that treasonable action²³.

Armed with the authority of these decrees, James resolved to crush entirely the mutinous spirit of his subjects. As the clergy had hitherto derived their chief credit and strength from the favour and zeal of the citizens of Edinburgh, his first care was to humble them. Though the magistrates submitted to him in the most abject terms; though they vindicated themselves and their fellow citizens from the

²² Spotsw. 451. Cald. v. 126.

²³ Cald. v. 147.

most distant intention of violating his royal person or authority; though, after the strictest scrutiny, no circumstances that could fix on them the suspicion of premeditated rebellion had been discovered; though many of the nobles, and such of the clergy as still retained any degree of favour, interceded in their behalf; neither acknowledgments nor intercessions were of the least avail²⁴. The King continued inexorable; [Feb. 28] the city was declared to have forfeited its privileges as a corporation, and to be liable to all the penalties of treason. The capital of the kingdom, deprived of magistrates, deserted by its ministers, abandoned by the courts of justice, and proscribed by the King, remained in desolation and despair. The courtiers even threatened to rase the city to the foundation, and to erect a pillar where it stood, as an everlasting monument of the King's vengeance, and of the guilt of its inhabitants. At last, in compliance with Elizabeth, who interposed in their favour, and moved by the continual solicitations of the nobles, James absolved the citizens from the penalties of law, but at the same time he stripped them of their most important privileges; [March 21] they were neither allowed to elect their own magistrates nor their own ministers; many new burdens were imposed on them; and a considerable sum of money was exacted by way of peace-offering²⁵.

James was, meanwhile, equally assiduous, and no less successful in circumscribing the jurisdiction of the church. Experience had discovered that to attempt this by acts of parliament, and sentences of privy council, was both ineffectual and odious. He had recourse now to an expedient more artful, and better calculated for obtaining his end. The ecclesiastical judicatories were composed of many members; the majority of the clergy were extremely indigent, and unprovided of legal stipends; the

²⁴ Cald. v. 149.

²⁵ Spotsw. 434. 441.

ministers in the neighbourhood of Edinburgh, notwithstanding the party established by the presbyterian government, had assumed a leading in the church, which filled their brethren with envy; every numerous body of men is susceptible of sudden and strong impressions, and liable to be influenced, corrupted, or overawed. Induced by these considerations, James thought it possible to gain the clergy, whom he had in vain attempted to subdue. Proper agents were set to work all over the kingdom; promises, flattery, and threats were employed; the usurpations of the brethren near the capital were aggravated; the jealousy of their power, which was growing in the distant provinces, was augmented; and two different general assemblies were held, in both which, notwithstanding the zeal and boldness wherewith a few leading clergymen defended the privileges of the church, a majority declared in favour of those measures which were agreeable to the King. Many practices, which had continued since the Reformation, were condemned; many points of discipline, which had hitherto been reckoned sacred and uncontroverted, were given up; the licence with which ministers discoursed of political matters was restrained; the freedom with which they inveighed against particular persons was censured; sentences of summary excommunication were declared unlawful; the convoking a general assembly, without the King's permission, was prohibited; and the right of nominating ministers to the principal towns was vested in the crown. Thus, the clergy themselves surrendered privileges which it would have been dangerous to invade, and voluntarily submitted to a yoke more intolerable than any James would have ventured to impose by force; while such as continued to oppose his measures, instead of their former popular topic of the King's violent encroachments on a jurisdiction which did not belong to him, were obliged to turn their

outcries against the corruptions of their own order²⁶.

By the authority of these general assemblies, the Popish earls were allowed to make a public recantation of their errors ; were absolved from the sentence of excommunication ; and received into the bosom of the church. But, not many years after, they relapsed into their former errors, were again reconciled to the church of Rome, and by their apostasy justified, in some degree, the fears and scruples of the clergy with regard to their absolution.

The ministers of Edinburgh owed to the intercession of these assemblies the liberty of returning to their charges in the city. But this liberty was clogged in such a manner as greatly abridged their power. The city was divided into distinct parishes ; the number of ministers doubled ; persons on whose fidelity the King could rely were fixed in the new parishes ; and these circumstances, added to the authority of the late decrees of the church, contributed to confirm that absolute dominion in ecclesiastical affairs, which James possessed during the remainder of his reign.

The King was so intent on new modelling the church, that the other transactions of this period scarce deserve to be remembered. The Octavians, envied by the other courtiers, and splitting into factions among themselves, resigned their commission ; and the administration of the revenue returning into its former channel, both the King and the nation were deprived of the benefit of their regular and frugal economy.

Dec. 19.] Towards the end of the year a parliament was held in order to restore Huntly and his associates to their estates and honours, by repealing the act of forfeiture passed against them. The authority of this supreme court was likewise employed to introduce a further innovation into the church ; but,

²⁶ Spotsw. 433. Cald. v. 189. 233.

conformable to the system which the King had now adopted, the motion for this purpose took its rise from the clergy themselves. As the act of general annexation, and that establishing the Presbyterian government, had reduced the few bishops, who still survived, to poverty and contempt; as those who possessed the abbeys and priories were mere laymen, and many of them temporal peers, few or none of the ecclesiastical order remained to vote in parliament; and by means of that, the influence of the crown was considerably diminished there, and a proper balance to the power and number of the nobles was wanting. But the prejudices which the nation had conceived against the name and character of bishops were so violent that James was obliged, with the utmost care, to avoid the appearance of a design to revive that order. [1598.] He prevailed, therefore, on the commission appointed by the last general assembly to complain to the parliament, that the church was the only body in the kingdom destitute of its representatives in that supreme court, where it so nearly concerned every order to have some, who were bound to defend its rights; and to crave that a competent number of the clergy should be admitted, according to ancient custom, to a seat there. In compliance with this request, an act was passed, by which those ministers, on whom the King should confer the vacant bishoprics and abbeys, were entitled to a vote in parliament; and, that the clergy might conceive no jealousy of any encroachment upon their privileges, it was remitted to the general assembly, to determine what spiritual jurisdiction or authority in the government of the church these persons should possess²⁷.

The King, however, found it no easy matter to obtain the concurrence of the ecclesiastical judicatories, in which the act of parliament met with a

²⁷ Spotsw. 450. Parl. 15th Jac. VI. c. 235.

fierce opposition. Though the clergy perceived how much lustre this new privilege would reflect upon their order; though they were not insensible of the great accession of personal power and dignity, which many of them would acquire, by being admitted into the supreme council of the nation, their abhorrence of episcopacy was extreme; and to that they sacrificed every consideration of interest or ambition. All the King's professions of regard for the present constitution of the church did not convince them of his sincerity; all the devices that could be invented for restraining and circumscribing the jurisdiction of such as were to be raised to this new honour, did not diminish their jealousy and fear. Their own experience had taught them with what insinuating progress the hierarchy advances, and though admitted at first with moderate authority, and under specious pretences, how rapidly it extends its dominion. "Varnish over this scheme," said one of the leading clergymen, "with what colours you please; deck the intruder with the utmost art; under all this disguise I see the horns of his mitre." The same sentiments prevailed among many of his brethren, and induced them to reject power and honours, with as much zeal as ever those of their order courted them. Many, however, were allured by the hopes of preferment; the King himself, and his ministers, employed the same arts, which they had tried so successfully last year; and, after long debates, and much opposition, the general assembly declared that it was lawful for ministers to accept of a seat in parliament [March 7]; that it would be highly beneficial to the church to have its representatives in that supreme court; and that fifty-one persons, a number nearly equal to that of the ecclesiastics who were anciently called to parliament, should be chosen from among the clergy for that purpose. The manner of their election, together with the powers to be vested in them, were left

undecided for the present, and furnished matter of future deliberation²⁸.

1599.] As the prospect of succeeding to the crown of England drew nearer, James multiplied precautions in order to render it certain. As he was allied to many of the Princes of Germany by his marriage, he sent ambassadors extraordinary to their several courts, in order to explain the justness of his title to the English throne, and to desire their assistance, if any competitor should arise to dispute his undoubted rights. These Princes readily acknowledged the equity of his claim; but the aid which they could afford him was distant and feeble. At the same time, Edward Bruce, Abbot of Kinloss, his ambassador at the English court, solicited Elizabeth, with the utmost warmth, to recognise his title by some public deed, and to deliver her own subjects from the calamities which are occasioned by an uncertain or disputed succession. But age had strengthened all the passions which had hitherto induced Elizabeth to keep this great question obscure and undecided; and a general and evasive answer was all that James could obtain. As no impression could be made on the Queen, the ambassador was commanded to sound the disposition of her subjects, and to try what progress he could make in gaining them. Bruce possessed all the talents of secrecy, judgment, and address, requisite for conducting a negotiation no less delicate than important. A minister of this character was entitled to the confidence of the English. Many of the highest rank unbosomed themselves to him without reserve, and gave him repeated assurances of their resolution to assert his master's right in opposition to every pretender²⁹. As several pamphlets were dispersed at this time in England, containing objections to his title, James employed some learned men in his kingdom to answer these cavillers, and to explain

²⁸ Spotsw. 450. Cald. v. 278.

²⁹ Johnst. 242.

the advantages which would result to both kingdoms by the union of the crowns. These books were eagerly read, and contributed not a little to reconcile the English to that event. A book published this year by the King himself, produced an effect still more favourable. It was entitled *Basilicon Doron*, and contained precepts concerning the art of government, addressed to Prince Henry his son. Notwithstanding the great alterations and refinements in national taste since that time, we must allow this to be no contemptible performance, and not to be inferior to the works of most contemporary writers, either in purity of style or justness of composition. Even the vain parade of erudition with which it abounds, and which now disgusts us, raised the admiration of that age; and as it was filled with those general rules which speculative authors deliver for rendering a nation happy, and of which James could discourse with great plausibility, though often incapable of putting them in practice, the English conceived a high opinion of his abilities, and expected an increase of national honour and prosperity under a Prince so profoundly skilled in politics, and who gave such a specimen both of his wisdom and of his love to his people³⁰.

The Queen of England's sentiments concerning James were very different from those of her subjects. His excessive indulgence towards the Popish lords; the facility with which he pardoned their repeated treasons; his restoring Beatoun, the Popish Archbishop of Glasgow, who had fled out of Scotland at the time of the Reformation, to the possession of the temporalities of that benefice; the appointing him his ambassador at the court of France; the applause he bestowed, in the *Basilicon Doron*, on those who adhered to the Queen his mother; Elizabeth considered as so many indications of a mind alienated from the Protestant religion; and sus-

³⁰ Camd. Spotsw. 457.

pected that he would soon revolt from the profession of it. These suspicions seemed to be fully confirmed by a discovery which came from the Master of Gray, who resided at that time in Italy, and who, rather than suffer his intriguing spirit to be idle, demeaned himself so far as to act as a spy for the English court. He conveyed to Elizabeth the copy of a letter, written by James to Pope Clement VIII., in which the King, after many expressions of regard for that Pontiff, and of gratitude for his favours, declared his firm resolution to treat the Roman Catholics with indulgence; and, in order to render the intercourse between the court of Rome and Scotland more frequent and familiar, he solicited the Pope to promote Drummond, Bishop of Vaison, a Scotsman, to the dignity of a Cardinal³¹. Elizabeth, who had received by another channel³² some imperfect intelligence of this correspondence, was filled with just surprise, and immediately dispatched Bowes into Scotland, to inquire more fully into the truth of the matter, and to reproach James for an action so unbecoming a Protestant Prince. He was astonished at the accusation, and with a confidence which nothing but the consciousness of innocence could inspire, affirmed the whole to be a mere calumny, and the letter itself to be forged by his enemies, on purpose to bring his sincerity in religion to be suspected. Elphinstone, the secretary of state, denied the matter with equal solemnity. It came, however, to be known by a very singular accident, which happened some years after, that the information which Elizabeth had received was well founded, though, at the same time, the King's declarations of his own innocence were perfectly consistent with truth. Cardinal Bellarmine, in a reply which he published to a controversial treatise, of which the King was the author, accused him of having abandoned the favourable sentiments which he had once

³¹ Cald. 333.³² Winw. Mem. vol. i. 37. 52.

entertained of the Roman Catholic religion, and as a proof of this, quoted his letter to Clement VIII. It was impossible any longer to believe this to be a fiction; and it was a matter too delicate to be passed over without strict inquiry. James immediately examined Elphinston, and his confession unravelled the whole mystery. He acknowledged that he had shuffled in this letter among other papers, which he laid before the King to be signed, who suspecting no such deceit, subscribed it together with the rest, and without knowing what it contained; that he had no other motive, however, to this action, but zeal for his Majesty's service; and by flattering the Roman Catholics with hopes of indulgence under the King's government, he imagined that he was paving the way for his more easy accession to the English throne. The privy council of England entertained very different sentiments of the secretary's conduct. In their opinion, not only the King's reputation had been exposed to reproach, but his life to danger, by this rash imposture; they even imputed the gunpowder treason to the rage and disappointment of the Papists, upon finding that the hopes which this letter inspired, were frustrated. The secretary was sent a prisoner into Scotland, to be tried for high treason. His peers found him guilty, but, by the Queen's intercession, he obtained a pardon³³.

According to the account of other historians, James himself was no stranger to this correspondence with the Pope; and, if we believe them, Elphinston being intimidated by the threats of the English council, and deceived by the artifices of the Earl of Dunbar, concealed some circumstances in his narrative of this transaction, and falsified others; and, at the expense of his own fame, and with the danger of his life, endeavoured to draw a veil over this part of his master's conduct³⁴.

³³ State Trials, vol. i. 429. Spotsw. 456. 507. Johust. 448.

³⁴ Cald. vol. v. 322; vi. 147.

But whether we impute the writing of this letter to the secretary's officious zeal or to the King's command, it is certain that about this time James was at the utmost pains to gain the friendship of the Roman Catholic Princes, as a necessary precaution towards facilitating his accession to the English throne. Lord Home, who was himself a Papist, was intrusted with a secret commission to the Pope³⁵; the Archbishop of Glasgow was an active instrument with those of his own religion³⁶. The Pope expressed such favourable sentiments both of the King and of his rights to the crown of England, that James thought himself bound, some years after, to acknowledge the obligation in a public manner³⁷. Sir James Lindsay made great progress in gaining the English Papists to acknowledge His Majesty's title. Of all these intrigues Elizabeth received obscure hints from different quarters. The more imperfectly she knew, the more violently she suspected the King's designs; and, the natural jealousy of her temper increasing with age, she observed his conduct with greater solicitude than ever.

1600.] The questions with regard to the election and power of the representatives of the church, were finally decided this year by the General Assembly, which met at Montrose [March 28]. That place was chosen as most convenient for the ministers of the north, among whom the King's influence chiefly lay. Although great numbers resorted from the northern provinces, and the King employed his whole interest, and the authority of his own presence to gain a majority, the following regulations were with difficulty agreed on. That the general assembly shall recommend six persons to every vacant benefice which gave a title to a seat in parliament, out of whom the King shall nominate one; that the person so elected, after obtaining his seat in parliament,

³⁵ Winw. Mem. vol. ii. 57.

³⁶ Cald. vol. vi. 147.

³⁷ Cald. vol. v. 604.

shall neither propose nor consent to any thing there that may affect the interest of the church, without special instructions to that purpose; that he shall be answerable for his conduct to every general assembly; and submit to its censure, without appeal, upon pain of infamy and excommunication; that he shall discharge the duties of a pastor in a particular congregation; that he shall not usurp any ecclesiastical jurisdiction superior to that of his other brethren; that if the church inflict on him the censure of deprivation, he shall thereby forfeit his seat in parliament; that he shall annually resign his commission to the General Assembly, which may be restored to him, or not, as the assembly, with the King's approbation, shall judge most expedient for the good of the church³⁸. Nothing could be more repugnant to the idea of episcopal government, than these regulations. It was not in consequence of rights derived from their office, but of powers conferred by a commission, that the ecclesiastical persons were to be admitted to a seat in parliament; they were the representatives, not the superiors of the clergy. Destitute of all spiritual authority, even their civil jurisdiction was temporary. James, however, flattered himself that they would soon be able to shake off these fetters, and gradually acquire all the privileges which belonged to the episcopal order. The clergy dreaded the same thing; and of course he contended for the nomination of these commissioners, and they opposed it, not so much on account of the powers then vested in them, as of those to which it was believed they would soon attain³⁹.

³⁸ Spotsw. 453. 457. Cald. vol. v. 368. ³⁹ Spotsw. 454.

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